BY ORDER OF THE LIEUTENANT GOVERNOR OF BENGAL * FORWARDED

THE CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1889.

RANGOON:

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1890.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1889.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department,—No. 60C., dated the 2nd July 1890.

READ—

Report on the administration of criminal justice in Lower Burma during the year 1889.

RESOLUTION.—The Judicial Commissioner of Lower Burma prefaces his report on the administration of criminal justice during the year 1889 with an expression of his doubts whether the figures on which his report is based can be considered trustworthy. He points out that the statistics connected with cognizable offences reported to the police are obtained by the Courts from the registers kept up by the Police Officers, and it is clear from his remarks, and from the reports of District Officers quoted by him, that these figures are compiled from registers which are not as a rule subjected to the strict supervision of experienced officers. These considerations considerably diminish the value of the report and the Chief Commissioner hopes that the introduction of the registers prescribed in accordance with the recommendations of the Committee appointed last year to consider the police administration will ensure greater accuracy in the returns compiled from them. In particular the introduction of the Magistrate's General Register of cases, which was ordered on the 16th May last, should enable the Courts to prepare exact statements of the crime dealt with by the police in their jurisdiction. At the same time it must be borne in mind that, unless the work of the subordinate officials in maintaining the registers is strictly supervised by their superior officers, no mere improvement in the form of the registers kept will be sufficient to make them trustworthy. The Chief Commissioner considers the submission of inaccurate returns by District Officers inexcusable. They ought, in the first instance, to have seen that the registers both in the police offices and in their own Courts were accurately kept. When it was discovered that the figures were inaccurate and could not be reconciled, a strict investigation should have been instituted by compiling lists of all complaints made, charges instituted, and cases tried for each police station and Magistrate's Court. A true return could have been made out and the discrepancies traced to their source not without labour certainly, but without any great difficulty.

The statistics were, however, compiled in the same manner in the year under report as in previous years and, though their accuracy may be questionable, yet their comparison with the statistics of previous years will be useful. The most

noticeable point is that, though there has been a great and general decrease in the more serious classes of crimes with violence, there has been a considerable increase in the quantity of crime dealt with. The number of offences reported rose from 50,141 in 1888 to 51,773 in the year under report, the number of cases reported true from 47,681 to 49,309, the number of cases brought to trial from 41,884 to 43,406, and the number of convictions from 37,665 to 40,475. These figures include offences against Municipal and special laws, which are of little import in considering the state of the province. The Judicial Commissioner considers, no doubt with truth, that the increase in crime is due partly to the fact that the police have now more time to attend to minor offences, since the country is no longer disturbed by dacoit gangs and violent crime, and partly to the fact that men who would have committed dacoity now commit theft. The number of true cases of theft rose from 10,757 to 11,093, of criminal misappropriation from 152 to 220, and of receiving stolen property from 421 to 436. Among these thefts are included 2,698 cattle-thefts committed outside of Rangoon compared with 2,389 committed in the preceding year. The increase in cattle-thefts is a serious matter. It has been referred to in the Resolution on the Police Report for 1889 and the Chief Commissioner's views need not be repeated here. The rest of the increase in the total quantity of true cases is accounted for by a rise in the number of the more unimportant offences, such as mischief, trespass, and offences against Municipal and special laws. It is satisfactory to see that the number of dacoities and robberies again showed a considerable diminution. Outside of Rangoon the number of true cases fell from 1,419 to 871. The numbers for 1886 and 1887 were 2,741 and 2,046 respectively.

2. The proportion of true cases to reported cases remains much the same as in the preceding year. Only in the districts of the Arakan and Salween Hill Tracts, more especially in the latter, is the proportion low.

3. The anticipations expressed in last year's review, that the orders of the Chief Commissioner with regard to the institution of proceedings under Chapter VIII of the Code of Criminal Procedure, 1882, (Judicial Department Circular No. 17,) directing that prosecutions for bad livelihood should not be instituted at the discretion of the police, but of the Magistrates, would result in a decrease of the number of proceedings taken, have been partly fulfilled. The number of proceedings in which security for good behaviour was demanded fell from 3,476 to 2,458 and the number of persons finally called on to furnish security from 2,511 to 1,718. The proportion borne, outside of Rangoon, by the number of persons from whom security was demanded to the number of persons against whom proceedings were taken fell from 72·95 to 69·72 per centum. The Chief Commissioner expected that his orders in the circular above mentioned would lead to fewer cases being unnecessarily brought against innocent persons, but from the returns it would appear that some District Magistrates have not been as careful as they should have been in sanctioning prosecutions. As the Judicial Commissioner remarks the percentage of 32·47 obtained in Bassein is very unsatisfactory, and the percentages of 58·33 in Sandoway and of 60 in Thayetmyo are also low. The Chief Commissioner will be glad if the Judicial Commissioner will call for and examine the records of the proceedings in these districts and ascertain the reasons of these bad results.

4. The number of cases disposed of during the year rose from 41,000 to 43,401. The number of cases tried by District Magistrates has increased slightly; but, owing to the diminution of serious crime, there has been a decrease in the number of cases committed to the Sessions and a very large decrease in cases referred for confirmation under sections 36 and 123 of the Criminal Procedure Code. The increase in the ordinary magisterial work has been distributed in fairly equal proportions between Stipendiary Magistrates and Benches of Honorary Magistrates. The number of cases tried summarily has risen to a percentage of 14·41 against 13·03 in the preceding year, excluding the Rangoon Courts, the increase being most noticeable in the Pegu, Bassein, Shwegyin, and Mergui districts. The steady increase in the number of cases tried by Benches of Honorary Magistrates which has been observable of late years, except in 1886, when exceptional circumstances supervened, has been maintained. Outside of Rangoon these cases rose from 4,959 to 6,297 in number, the increase being noticeable in all districts but Henzada and Kyaukpyu. In Rangoon the statistics of cases tried by the Bench are not given, but it is stated that their work has largely increased and the number of petty offences with which the Bench would chiefly deal is shown to have risen from 7,242 to 9,382. The District Magistrate reports that the Bench in Rangoon renders very good and satisfactory help in disposing of the criminal judicial work of the district. The percentage of convictions to the number of persons tried is much the same as last year. The Judicial Commissioner's report contains an interesting table which shows that the percentage obtained in this province is nearly as good as any obtained in India. The Judicial Commissioner remarks that, as in the previous year, the best results have been obtained in Mergui and the worst in Bassein. It has already been noticed that the proportion of persons ordered to furnish security for good behaviour to the number of persons against whom proceedings were taken is worse in Bassein than in any other district. The high percentage of convictions in cases tried by Courts of Session was maintained. The number of persons brought before the Courts of Session diminished from 2,020 to 1,617. The decrease is chiefly in the Pegu Court. The work in the Irrawaddy Court has considerably increased. An additional Sessions Judge for these two divisions has been sanctioned for three years, but it has been found impossible to spare an officer for the post for more than a brief time. The Chief Commissioner concurs with the Judicial Commissioner in thinking that the Commissioners of Pegu and Irrawaddy need relief, but at the present time it is impossible to afford it. The Commission is so weak, especially in officers of trained ability and experience, that it is difficult to provide for the administration of districts.

5. There was a diminution in the number of punishments inflicted in all classes except in those of fine and whipping. Sentences of death fell from 83 to 28 and of transportation from 752 to 517. The number of persons sentenced to imprisonment remained about the same. It is not unsatisfactory to observe that the number of persons sentenced to whipping rose from 1,934 to 2,657. The Judicial Commissioner's opinion that Sessions Courts do not order this form of punishment as frequently as is expedient will doubtless be conveyed by him to the Sessions Judges. The remarks of the Commissioner of Arakan, quoted by the Judicial Commissioner, to the effect that whipping sentences are frequently a mere farce in consequence of the manner in which they are carried into effect,

deserve notice. The matter will be made the subject of enquiry. The Chief Commissioner has read the Judicial Commissioner's remarks with regard to the preparation of previous conviction registers and trusts that the arrangements now made will secure the results contemplated. The fines imposed during the year amounted to Rs. 4,09,480, of which Rs. 3,21,110 were realized. The fines imposed were Rs. 44,828 in excess of last year's returns. The proportion of realizations to fines imposed was, however, only very slightly less. The action of the local authorities in striking off unrealized fines seems, from the figures quoted by Mr. Ward, to have been hasty. While the disadvantages of keeping open claims which cannot be satisfied are obvious, care should be taken that the fine is clearly ascertained to be quite irrecoverable before it is struck off the registers. The Chief Commissioner requests that this matter may be specially noticed in next year's report.

6. The increase in the number of appeals presented to Sessions Judges and the decrease in those presented to District Magistrates and the Judicial Commissioner, which has been observable for the past four years, is maintained in the year under report. The increase in the appeals presented to Sessions Judges is accounted for by the fact that petty crime is rapidly taking the place of serious crime. The increase is chiefly noticeable in Pegu, where appeals increased by 239, or almost 28 per cent. The number of sentences interfered with on appeal outside of Rangoon has somewhat increased.

7. The following table shows the manner of disposal of appeals in 1887, 1888, 1889:—

Year	Percentage of appellants whose		
	Appeals were rejected or sentences confirmed	Sentences were reduced or altered.	Sentences were reversed.
1887	72·68	9·04	16·96
1888	80·70	6·90	10 84
1889	77 75	10·1	10 98

The percentages of appeals rejected and dismissed in the Bassein, Amherst, and Toungoo districts, which attracted notice in last year's report, were still less in the year under report, and the percentages in Kyaukpyu, Tavoy, and Moulmein were also noticeable, and that in Pegu, namely, 36 84, very remarkable. The Judicial Commissioner reports that Commissioners have not given the assistance in examining the appeal records of District Officers, who appear to interfere unduly with the sentences of subordinate Courts, which was alluded to in last year's review. The Chief Commissioner trusts that this duty will not be lost sight of and would be glad if next year's report were to show what each Commissioner has done in this direction. The matter is one of much importance as unnecessary interference with the decisions of original Courts is fraught with mischief. The statement of references to the Judicial Commissioner under section 374 of the Code of Criminal Procedure, 1882, shows that only 33 per cent. of the sentences referred were confirmed as against 71 per cent. in 1888, when Mr. Meres was Judicial Commissioner. The Judicial Commissioner remarks: "I have had to check these indiscriminate sentences and to point out that sen-

tence of death should ordinarily be confined to the worst cases." The reduction of sentences in other than capital cases is also noticeable in cases examined by the Judicial Commissioner under Chapter XXXII of the Code of Criminal Procedure, 1882. The Chief Commissioner finds some difficulty in understanding why there should be so great a difference in the results of the references to the Judicial Commissioner's Court in these two consecutive years. It is certain that indiscriminate capital sentences were not encouraged or confirmed by Mr. Meres.

8. The financial results of the rules regarding the service of processes are satisfactory, but the Judicial Commissioner expresses a doubt if the figures are absolutely trustworthy. Here again there appears to be neglect on the part of some of the Magistrates. The Chief Commissioner will deal severely with any officer who may be reported by the Judicial Commissioner for failure to keep up registers which have been prescribed, and which are necessary to check waste and prevent peculation. The expenditure under the rules exceeds the receipts in the Pegu and Henzada districts only. At the present time a specially appointed Committee is considering the question of amalgamating the process-serving establishments belonging to the Criminal, Civil, and Revenue Courts, and it is hoped that the settlement of this question will be productive not only of considerable convenience, but of some economy.

By order of the Chief Commissioner,

H. L. EALES,

Officiating Secretary.

THE CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1889.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA.

THE following table shows the number of persons who appealed during the year and the result:—

Court from which appeal preferred.	Number of persons who appealed during 1889.	Result.			
		Rejected.	Dismissed.	New trial ordered.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Court of Session.	23	22	...	...	1

2. The appeal and the reference which were pending at the close of the previous year were disposed of during the year under report, the appeal being rejected and the sentence of death being confirmed.

3. During the year four capital sentences passed by the Recorder of Rangoon exercising the powers of a Court of Session were referred to this Court for confirmation, all of which were confirmed.

4. Besides the above there were three references made to this Court, one by the Additional Recorder and two by the Recorder of Rangoon, the particulars of which are as follows:

(*a*) In the first case the Additional Recorder, disagreeing with the verdict of the jury acquitting the accused of the offence of dacoity, referred the case under section 307 of the Criminal Procedure Code. This Court found that the accused were guilty of the offence of dacoity under section 395 of the Penal Code and sentenced them to seven years' transportation each in lieu of seven years' rigorous imprisonment.

(*b*) In this case the Recorder of Rangoon made a reference under section 76 of the Burma Courts Act, 1875, in a criminal revision case which was before him, in which the accused was convicted by the Assistant Magistrate of Rangoon under section 106 of the Burma Municipal Act of the offence of keeping a common lodging-house without being registered. The point referred was whether the previous sanction of the Munici-

pal Committee in meeting is or is not necessary to a prosecution for offences under the Burma Municipal Act or the rules made under it. It was held, having regard to the fact that the Rangoon Municipal Committee have, by rules duly issued under the Act and sanctioned by the Chief Commissioner, delegated to their President their executive authority in respect of section 145 of the Burma Municipal Act of 1884, that their previous sanction at a meeting was not necessary to prosecutions for offences under the Act or the rules made under it.

(*c*) In this case the accused, a European British subject, was tried with the aid of a jury of five persons by the Additional Recorder for an offence committed in Upper Burma. The local Government moved the Recorder to order a new trial on the ground that the proceedings at the previous trial were invalid inasmuch as the accused should have been tried with the aid of a jury of nine persons. The Recorder referred the question to the Special Court whether the warrant of commitment under which the accused was committed for trial to the Court of the Additional Recorder was still in force or had been discharged by the conviction of the accused at the previous trial. The Special Court held that the reference made to it involved two questions—

(i) whether the Recorder had any jurisdiction to entertain the application for a re-trial made by the local Government; and

(ii) whether the previous trial of the accused was invalid.

The Judges of the Special Court agreed upon the second question that the previous trial of the accused was not invalid, but differed upon the question as to whether the Recorder had any jurisdiction to entertain the application made by the local Government. They accordingly referred this last question to the High Court, Calcutta, under section 69(*a*) of the Lower Burma Courts Act, 1889. The High Court, Calcutta, declined to answer the question referred, being of opinion that it did not properly arise, as the case had been practically disposed of by the Special Court when it decided that the proceedings at the previous trial were not invalid.

RANGOON: }
The 1st April 1890. }

W. F. AGNEW,
W. E. WARD,
Judges of the Special Court of Lower Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the administration of criminal justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1889.

DURING the year 38 cases were committed to this Court as a Court of Session and two as a High Court, making in all 40 cases.

2. The following table shows the different Courts from which the commitments were made during the year in comparison with the previous year:—

By whom committed.	1888.			1889.		
	As a Court of Session.	As a High Court.	Total.	As a Court of Session.	As a High Court.	Total.
Junior Assistant Magistrate, Rangoon	22	...	22	9	...	9
Assistant Town Magistrate, Rangoon	23	2	25	28	...	28
Cantonment Magistrate, Rangoon ...	...	...	...	1	...	1
District Magistrate, Rangoon Town	3	...	3	...	...	...
District Magistrate, Toungoo ...	...	1	1	...	...	...
District Magistrate, Pegu ...	...	3	3	...	...	...
District Magistrate, Ruby Mines ...	...	1	1	...	...	...
District Magistrate, Yamèthin ...	...	...	...	...	1	1
District Magistrate, Kyaukse ...	...	...	...	...	1	1
Total ...	48	7	55	38	2	40

All these 40 cases were disposed of during the year. Besides these there was one case re-tried by order of the Special Court on appeal.

3. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Session and as a High Court:—

Convicted.	Acquitted.	Withdrawn.
42	30	2

4. The following table shows the different punishments inflicted by this Court as a Court of Session and as a High Court:—

	Persons sentenced to						Detail of punishment.								
		Transportation.		Imprisonment.			Six months and under.		Two years and under.		Seven years and under.	Above seven years.	Fine.		
	Death.	For life.	For a term.	Rigorous.	Simple.	Whipping in addition to rigorous imprisonment.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.	Amount of fine.	Amount realized.	Acquitted or withdrawn.
As a Court of Session ...	4	1	1	35	...	...	...	...	3	...	27	5	...	..	32
As a High Court	...	...	...	1	...	...	...	...	1	...	...	...	...	...	.

5. The capital sentences passed by this Court as a Court of Session on four persons were confirmed by the Special Court in the year 1889.

6. Two European British subjects were tried during the year as against eight in 1888.

7. Of those persons convicted and sentenced by the Recorder as a Court of Session during the year 23 persons appealed to the Special Court. Of these the appeals of 22 persons were rejected and one remained pending at the close of the year.

8. There were three references made by this Court to the Special Court; one was under section 307 of the Code of Criminal Procedure, the Additional Recorder having disagreed with the verdict of the jury acquitting the accused of the offence of dacoity; the second was under section 76 of the Burma Courts Act, 1875, in a criminal revision case; and the third case was one in which the local Government moved this Court for a new trial of a European British subject on the ground that he had been improperly tried by the Additional Recorder with a jury of five persons only.

9. The following table shows the number of persons whose cases came before this Court on appeal and for revision together with the results:—

Magistrate from whose decision appealed.	Number of persons who appealed including those pending from previous years.	Rejected.	Confirmed.	Modified.	Reversed.	New trial ordered.	Withdrawn.	Pending.
District Magistrate, Rangoon Town ...	4	2	1	1	...	...	...	...
Assistant Magistrate, Rangoon Town ...	174	88	33	18	26	3	2	4
Junior Assistant Magistrate, Rangoon Town	78	46	17	9	4	...	...	2
Honorary Magistrate, Rangoon Town ...	1	...	...	...	1	...	...	...
Total ...	257	136	51	28	31	3	2	6

10. Besides the above there were nine references made to this Court as a High Court by the District Magistrate of Rangoon Town and there were 10 miscellaneous applications.

11. The following abstract shows the total criminal work of the Recorder's Court for the year 1889:—

Sessions trials		39
New trial		1
References		7
Appeals and revisions		232
Miscellaneous		10
Total ...		289

as against 283 of all kinds in 1888.

12. There were two Recorders from the 1st January to the 31st March 1889 and one for the rest of the year.

The Magistrates' Courts.

13. The subjoined table shows the number of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial, convicted, and acquitted as compared with last year:—

Year.	Number of offences reported as true.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1888 ...	899	7,862	8,761	8,746	14,059	4,962	8,761	80	3	3	250
1889 ...	1,045	8,835	9,880	9,875	15,600	5,201	10,068	76	2	10	248
Increase .	146	973	1,119	1,129	1,541	239	1,307	...	...	7	...
Decrease ...	...	..	...	...	...	...	...	4	1	...	7

14. There is a total increase of 1,119 cases reported as true as compared with last year, which is made up of 146 non-bailable and 973 bailable cases. The increase of the former appears, from the District Magistrate's remarks in his report, to be due principally to the increase of ordinary theft cases This, the District Magistrate says, considered by itself would appear unsatisfactory, but the detection in theft cases, as proved by the number brought to trial, shows better results than last year. The increase of bailable cases, it appears, is nearly all due to increased prosecutions under special and local laws, such as nuisances (Act V of 1861), breach of Municipal and Cantonment rules.

15. The following table shows the fluctuations of grave crimes as reported for the last few years :—

Year.	With violence.					Without violence.		
	Against the person.				Against property.	Theft.	Others.	Total.
	Murder, sections 302, 307, I.P Code	Grievous hurt.	Hurt.	Total.				
1883 ...	17	41	133	191	62	1,349	92	1,441
1884 ...	27	18	139	184	28	1,491	108	1,599
1885 .	13	32	176.	221	23	1,331	90	1,421
1886 ...	9	15	188	212	9	908	32	940
1887 ...	12	12	416	440	10	985	49	1,084
1888 ...	9	32	423	464	15	940	77	1,021
1889 ...	15	20	250	285	28	974	78	1,052

Murder has increased by six ; of these two were attempts at murder. Grievous hurt decreased by 12. The District Magistrate observes that of the 20 cases reported under this head some were ultimately treated as simple hurt. The decrease in the number of hurt cases is very satisfactory.

16. The following table deals with less serious crime :—

Year.	Assault	Insult	Creating disturbance.	Nuisance, Act V.	Breach of local rules.	Drunk and disorderly.	All others.	Total.
1883 ...	908	258	52	1,117	1,288	725	707	5,055
1884 ..	1,137	692	59	1,082	1,122	577	627	5,546
1885 ...	1,259	919	55	1,109	1,846	921	621	6,730
1886 .	988	861	7	2,101	2,222	1,051	741	7,471
1887 ...	619	862	...	2,172	1,649	1,498	1,116	7,416
1888 .	687	817	4	1,841	2,088	1,328	1,077	7,242
1889	752	890	10	2,471	2,600	1,700	1,459	9,882

There is an increase under every head in this statement, more especially under Act V, local rules, and others. The District Magistrate observes that the greater number of these cases were disposed of by the Bench of Honorary Magistrates, whose work, he says, has increased very much of late, necessitating the appointment of two additional Honorary Magistrates during the year.

17. The following table deals with the more serious offences for the last few years:—

Year	WITH VIOLENCE										WITHOUT VIOLENCE					
	AGAINST THE PERSON								Against property		Thefts		Others		Total	
	Murders		Grievous hurt		Hurt		Total.									
	Reported	Brought to trial	Reported	Brought to trial	Reported.	Brought to trial	Reported.	Brought to trial	Reported	Brought to trial	Reported	Brought to trial.	Reported	Brought to trial	Reported	Brought to trial
1883	17	17	41	29	193	133	191	179	62	44	1,349	555	92	85	1,441	640
1884	27	27	18	18	139	139	184	184	28	18	1,401	752	108	87	1,509	839
1885	18	6	32	32	176	176	221	214	23	19	1,311	588	90	80	1,421	668
1886	9	8	15	12	188	184	212	204	9	6	908	579	32	32	940	611
1887	12	12	12	8	416	401	440	421	10	10	985	680	49	49	1,034	749
1888	9	9	32	18	423	420	464	447	15	13	940	685	77	55	1,017	735
1889	15	11	20	9	250	244	285	264	23	19	974	813	78	47	1,052	860

The District Magistrate observes that although murder has increased it can hardly be said to be a preventable crime, the police having no control over its commission except in the matter of bringing the offenders to justice, which was not possible in every case. There is a very material decrease in the total number of offences with violence, while there is a slight increase under the head "Without violence," but the detection under both heads the District Magistrate considers to be good as compared with last year's result.

18. The following table shows the statistics of violent crime in greater detail:—

Offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1888.	1889.	1888.	1889.	1888.	1889.
Murder	5	13	5	9	5	7
Attempt at murder	4	2	4	2	3	2
Culpable homicide	...	8	..	8	...	5
Grievous hurt	32	20	18	9	11	20
Hurt	369	195	368	189	180	81
Hurt with dangerous weapon ..	54	55	52	55	22	46

19. The following table shows the number of offences against property with violence as compared with the previous year:—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed	
	1888.	1889.	1888.	1889.	1888.	1889.
Dacoity	2	2	2	1	4	5
Robbery	9	23	7	19	4	23
Extortion	6	3	6	3	4	...
Total ...	17	28	15	23	12	28

Both the reported dacoities were committed on the river, many miles away from Rangoon, but within port limits. In one of the cases the five persons

arrested were committed to the Court of Session for trial and were all acquitted. The other case remains undetected. Of the 23 robbery cases reported the District Magistrate observes that only two were really violent crimes, and these two were also committed on the river within port limits several miles from town; that most of the remaining 21 cases were mere cases of gaungbaung-snatching in the streets or thefts from the person. He also observes Rangoon has been very free from violent crime considering the number of bad characters who take refuge in it.

20. The following table shows the number of offences against property without violence as compared with the previous year:—

Nature of offence.	Number of offences reported.		Number of offences brought to trial.		Persons convicted and committed.	
	1888.	1889.	1888.	1889.	1888.	1889.
Housebreaking with theft ...	80	55	80	58	26	57
Theft	940	974	685	813	535	638
Receiving stolen property ...	17	85	15	27	6	25
Total ...	987	1,064	730	898	567	720

The District Magistrate observes that the increase due to the influx of bad characters from the interior and to the release of persons from jail is attended by increased detection and conviction.

21. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year:—

Class of tribunal.	Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died or escaped.	Remaining under trial.	
							In custody.	On bail or recognizance.
District Magistrate	33	...	13	20	...	...	...	...
Assistant Magistrate	2,999	106	1,214	1,462	56	3	66	92
Cantonment Magistrate	1,200	2	211	966	5	...	3	13
Junior Assistant Magistrate ...	2,392	118	677	1,517	17	7	11	45
Honorary Magistrate	8,976	333	2,527	6,103	...	...	...	13
Total ...	15,600	559	4,642	10,068	78	10	80	163

The District Magistrate says the criminal judicial work is undoubtedly increasing in amount and in complexity in Rangoon Town district. A Bench of Honorary Magistrates now sits every day in the week, except Sunday, and renders very substantial and, on the whole, very good and satisfactory help to the stipendiary Magistrates, and he says the Honorary Magistrates have tried nearly 9,000 persons and convicted over 6,000, and that he is much beholden to these gentlemen who have been punctual, diligent, and just.

The District Magistrate also observes that the Assistant Magistrate is also Cantonment Magistrate and has had a number of cases to dispose of, and that he has worked hard at them. He thinks there should be a separate Cantonment

Magistrate. The Junior Magistrate, he says, has continued to give satisfaction to the public and to his superiors.

22. The following table shows the punishments inflicted by different Magistrates:—

Class of tribunal.	Persons sentenced to					Persons ordered to		Amount of fines		
	Imprisonment.									
	Solitary confinement.	Simple.	Rigorous.	Fines.	Whipping.	Give recognizance or security to keep the peace.	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation
								Rs. A. P	Rs. A. P.	Rs. A. P.
District Magistrate	...	...	6	5	.	...	14	225 0 0	175 0 0	.....
Assistant Magistrate	...	3	351	909	267	10	6	16,441 2 0	11,897 15 0	193 4 0
Cantonment Magistrate	..	2	44	908	20	.	1	4,975 5 0	4 039 13 0	75 0 0
Junior Assistant Magistrate ...	.	8	269	1,120	122		9	19,404 8 0	15,583 12 0	935 0 0
Honorary Magistrate	...	2	2	6,099	...	..	...	17,508 12 6	16,467 12 6	342 0 0
Total ...	...	15	672	9,047	409	10	30	58,674 11 6	48,204 5 3	1,475 4 0

23. The following table shows the detention of witnesses and the average duration of cases:—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate	121	67	8	1	1·73	6·
Assistant Magistrate	2,849	1,674	1,877	31	2·35	3·
Cantonment Magistrate... ...	421	278	102	25	2·01	2·
Junior Assistant Magistrate ...	1,852	1,965	815	101	2¼	3·
Honorary Magistrate	4,175	388	78	22	1¼	1·
Total ...	8,918	4,372	2,880	180	...	...

It appears that increased work and the occurrence of a few long trials have resulted in a slight increase in the average duration of cases.

24. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883, Act VII of 1883, and rules framed thereunder:—

No.	Subject.
1	Relative to a charge against Mr. C. A. Small.
2	Relative to a charge against Mr. E. M. Simmonds.
3	Relative to a collision between the German barque *Thalassa* and the S.S. *Chindwara*.
4	Relative to a collision between the S.S. *Byculla* and the sailing ship *Shahjehan*.
5	Relative to a charge against Mr. C. A. Small.
6	Relative to a charge against Mr. J. H. Lightfoot.
7	Relative to a charge against Mr. E. M. Simmonds.
8	Relative to the casualty on board the S.S. *Ethiopia*.
9	Relative to the foundering of the British barque *Dundonald*.
10	Relative to a collision between the ship *Bianca* and H.M.S. *Garnet*.
11	Relative to the grounding of the Italian barque *Guiseppe Anna*.

These casualties are on the increase.

25. The following statement shows the Magistrates who have acted in Rangoon Town district during the year 1889:—

Name	Designation.	Remarks.
Mr. D Norton, c.s.. ...	District Magistrate	The whole year.
Mr. D. L M Mackay, c.s. ..	Assistant Magistrate and also Cantonment Magistrate.	
Maung Pe	Junior Assistant Magistrates ...	
	Twelve Honorary Magistrates ...	
	Two Honorary Magistrates	

RANGOON;
The 17th April 1890.

W. F. AGNEW,
Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From W. E. WARD, Esq., C.S.I., Judicial Commissioner, Lower Burma, to the Secretary to the Chief Commissioner, Burma,—No. 324-37, dated the 15th May 1890.

I HAVE the honour to forward herewith the criminal justice returns for the lower province for 1889. As in previous years the prescribed statements appended to the report include the Town or District of Rangoon, whereas the report and the tables included in it deal only with my own Court and the Courts subordinate thereto. The plan of the report is the same as that adopted last year and the appended prescribed statements are the same as those submitted in the previous year.

I.—REPORTED CRIME.

2. The total number of offences reported and the total number of offences returned as true, as compared with the figures for the previous year, are shown below.

Division.	Name of district.	Cases reported.		Cases rejected under section 203 of the Criminal Procedure Code and cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1888.	1889.	1888.	1889.	1888.	1889.	1888.	1889
ARAKAN ...	Akyab	3,357	2,662	194	59	3,163	2,603	94·22	97·78
	Kyaukpyu	1,755	1,320	346	21	1,409	1,299	80·28	98 41
	Sandoway	608	556	9	7	599	549	98·52	98·74
	Northern Arakan	19	17	3	3	16	14	84·21	82·35
	Total ...	5,739	4,555	552	90	5,187	4,465	90 38	98·02
PEGU ...	Hanthawaddy	1,727	1,713	40	54	1,681	1,659	97·34	96 85
	Pegu	2,797	3,387	48	136	2,749	3,251	98·28	95·98
	Tharrawaddy	2,752	2,497	55	132	2,697	2,365	98·00	94·71
	Prome	5,245	5,697	104	51	5,141	5,646	98·02	99·10
	Total ...	12,521	13,294	253	373	12,268	12,921	97·98	97·19
IRRAWADDY ...	Henzada	3,745	3,962	48	313	3,697	3,649	98·72	93·10
	Bassein	4,459	4,256	368	229	4,091	4,027	91·75	94·62
	Thôngwa	3,554	3,505	399	372	3,155	3,133	88·77	89·39
	Thayetmyo	2,342	1,962	41	58	2,301	1,904	98·25	97·04
	Total ...	14,100	13,685	856	972	13,244	12,713	93·93	92·90
TENASSERIM ...	Amherst	1,727	2,358	34	34	1,693	2,324	98·03	98·56
	Shwegyin	1,777	2,534	93	51	1,684	2,483	94·76	97·99
	Toungoo	1,816	1,465	65	52	1,751	1,413	96·42	96·45
	Tavoy	546	528	17	...	529	528	96 89	100
	Mergui	556	536	18	47	538	489	96·76	91·23
	Salween	74	108	...	32	74	76	100·00	70·37
	Moulmein	2,002	2,074	47	57	1,955	2,017	97·65	97·25
	Total ...	8,498	9,603	274	273	8,224	9,330	96·78	97·16
	GRAND TOTAL ...	40,858	41,137	1,935	1,708	38,923	39,429	95·26	93·85

I stated in last year's report that I had some doubt as to the accuracy of the figures given by District Officers as embodied in the above table. During my recent tours of inspection I have made enquiries which have confirmed my doubts. Very few of the district reports refer to this matter. I therefore thought it necessary to call the special attention of District Officers to my remarks in paragraph 2 of last year's report and to request them to state specifically from what registers or returns they had obtained the figures which are given in the above table. I append to this report a copy of my circular letter to District Officers on the subject. The replies received to this letter up to date are sufficient to show that the figures given above can only be accepted as approximately correct.

The difficulty lies in the reconciling the Annual Criminal Judicial Statement 2 appended to this report with the Annual Police Statement A, Parts I

and II, which is appended to the annual Police reports of the province. I do not know why crime has been differently classified in these two statements and I would gladly see one classification adopted for both. But, if there are any insuperable objections to this proposal, there is no reason whatever that I can see why the total number of reported and true cases as given in the annual police reports should differ from the numbers given in this report. The Deputy Commissioner of Bassein (Mr. Birks) writes:

"I wrote demi-officially to the Judicial Commissioner pointing out how hopeless it was to reconcile this statement (Judicial Statement No. 2) with (Police) Statement A * * * I have corrected the figures as first submitted in some slight particulars, where the police returns appeared to be more likely to be correct, but to adopt the police figures entirely would necessitate the re-writing of the whole report and I am not satisfied that their statistics are sufficiently accurate to justify me in doing this."

The Deputy Commissioner then goes on to point out in detail the discrepancies in the figures as given in the Police Statement A for the past year and Judicial Statement 2 for his district under several heads of crime, and states that he is unable to reconcile them. He does not state whether the total number of reported and also of true cases for the past year is the same in both statements, but I think there is no reason to doubt that the numbers differ.

The Deputy Commissioner of Pegu (Mr. Irwin) says:

"As I explained last year, the Magistrates had no materials for compiling returns of reported cognizable crime, so I was obliged to rely entirely on police returns, and the police returns are imperfect in two respects. Firstly, in Police Statement A the offences are not grouped in the same way as in Judicial Statement 2, and in the latter cognizable and non-cognizable are in some instances grouped together. Secondly, owing to the chaotic manner in which police reports have been written hitherto—complaint, diary, and other particulars all mixed up in one form, and far too verbose—it has been impossible for me to read all reports, and I allowed the old custom of having all reports submitted to the Subdivisional Magistrates to continue until the new forms were issued. Only cases which the Superintendent considered ought to be excluded from the returns or entered as false were submitted to me for orders, and as the Superintendent did not read all reports many cases were probably forgotten in the police office. In several instances police reports have been sent to me for orders to strike out months after they have reached the police office. Moreover, in undetected cases the sergeants habitually never sent in any final report at all and there was no check on their neglect to do so, except a thorough inspection of the books in the thana. Also I do not think there is in existence any register of police reports from which accurate statistics can be compiled. In each police office there is a book containing columns corresponding to certain of the columns of Statement A, and each on report was supposed to be entered in this book, but I doubt very much whether this book is suited for the compilation of correct statistics, and from inquiries which I made in the Pegu police office I am quite certain that it was not kept there in a manner calculated to produce correct statistics. It formed no check at all on the neglect of the sergeants to submit final reports (or first reports either for that matter) and it was left entirely to a clerk. The Superintendent and Assistant Superintendent knew nothing about the method of keeping the book when I inspected it. The new forms prescribed by the Chief Commissioner last year were not received from the Press until the 2nd January. They are now in use and the police are rapidly learning the proper use of them. With these forms it will be easy to compile correct statistics, if the Magistrate's register recommended by the Police Committee be kept; but, without that register, the statistics will be just as bad as before. Neither the Magistrate nor the Superintendent has any effective check over the sergeants. I find that I have sometimes to issue two or three reminders before I get a final report in an undetected case."

These remarks of the Deputy Commissioner of Pegu are, I fear, applicable more or less to every district in Lower Burma; they show that the figures given in the annual reports of this Court are, so far as cognizable crime is concerned, obtained from the district police office. There is no objection to this; but if the District Police Officers keep no proper registers or returns of cognizable cases reported to them, whether sent up for trial or not, and if in any such cases no final report reaches the Magistrate empowered to receive such reports with a view to taking his orders as to whether they are to be entered or excluded from the returns, or to be shown as true or false, it is quite impossible that the figures given in the above table of reported and true crime in each district can be accepted as reliable. The Magistrate's register, referred to by Mr. Irwin, is that mentioned in paragraph 46 of the report of the Committee appointed in 1888 to consider the re-organization of the police in Lower Burma. In his Re-

solution upon that report I observe that the Chief Commissioner has decided that the Magistrate's register is unnecessary. When complete replies have been received to my circular appended to this report I shall probably have to address the local Government further on this subject. Meanwhile District Officers must be required, I think, to exercise more effective supervision than they apparently do (judging from Mr. Irwin's remarks) over their police offices in the matter of the police crime returns. It certainly appears to me that there ought to be no difficulty whatever experienced in any police office in maintaining correct information of at least all cognizable crime, both reported and true. For statistics relating to non-cognizable crime there may be some difficulty owing to the subordinate Magistrates not keeping the Police authorities duly informed as to cases of this class reported to or taken up by them.

Taking, however, the figures of the above table for what they are worth, it will be seen that there was an increase in 1889 of 279 cases reported and of 506 true cases. There was a considerable increase of both reported and true crime in the Tenasserim division and a large decrease in the Arakan division. In the Pegu division there was also an increase of cases and in the Irrawaddy division a corresponding decrease. Every district in the Arakan division contributes to the decrease shown there. The districts that show the largest increases in true reported cases are Pegu (502), Shwegyin (799), Amherst (631), Prome (505): on the other hand there is a decrease of 560 cases in Akyab. The Deputy Commissioners of Pegu and Shwegyin give no explanation of the increase of cases in their districts. The increase in Prome is due mainly to an increase in Police Act and Municipal cases. In the Prome district there has been a steady increase in reported and true cases since 1886, and the Deputy Commissioner states that, if this increase continues, it will be necessary to increase the number of Magistrates. The decrease in Akyab is almost entirely due to an abnormal increase of Municipal cases in 1888. The increase in Amherst is only apparent as the Deputy Commissioner reports that the number of true reported cases in 1888 was really 2,246 and not 1,693 as shown in his returns for that year.

The following statement separates for the past five years the true cases reported under the Penal Code from those reported under special and local laws:—

Year.	True cases reported		Total.
	Under Penal Code.	Under special and local laws.	
1885	23,554	13,246	36,800
1886	23,181	11,052	34,233
1887	24,400	12,688	37,088
1888	26,022	12,901	38,923
1889	26,952	12,477	39,429

These figures show that the increase in true crime is not owing to any increase in cases coming under special and local laws, but to a substantial increase in the number of offences under the Penal Code. Cattle-thefts and grievous and simple hurt cases are mainly responsible for this increase as will appear further on. As noticed in last year's report the probable explanation of the steady increase in cases under the Penal Code since 1886 is partly that the police and the people generally have, since the country has quieted down, had more leisure to prosecute and report minor offences, and partly that those who now no longer dare to dacoit, but cannot give up their inclination to rob and steal, have recourse to less serious offences against property, such as cattle-theft, housebreaking, and simple theft.

The percentage of true to reported cases was 95·85, or much the same as it was in the previous year. In Northern Arakan and Salween the percentages of true cases are very low. Those of other districts call for no remark; they show that Magistrates are not given to striking off cases as false without due consideration.

3. The following table shows true offences reported under each class in the year 1889 as compared with the previous year :—

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
ARAKAN.	Akyab	1888	2	...	49	5	28	59	...	2	127	...	542	691	1	...	22	5	37	1,593	3,163	Two abetments under section 109, Chapter V.
		1889	...	...	39	1	17	64	2	2	72	1	446	715	4	1	12	8	47	1,170	2,603	
	Kyaukpyu	1888	...	...	18	5	18	33	...	...	95	2	173	460	1	1	3	..	44	556	1,409	
		1889	...	...	14		10	20	...	...	61	5	215	568	...	...	3	...	20	384	1,299	
	Sandoway	1888	...	...	5	...	1	11	1	1	27	...	75	323	...	1	...	1	24	129	599	
		1889	...	...	4	4	2	10	...	2	25	2	86	306	..	...	...	1	16	91	549	
	Northern Arakan	1888	...	...	...	...	...	...	...	...	2	...	8	3	...	...	...	...	..	3	16	
		1889	...	...	...		...	1	..	...	..	...	4	6	...	...	...	...	...	4	14	
	Total ...	1888	2	...	72	10	47	103	1	3	251	2	798	1,477	2	2	25	6	105	2,281	5,187	Two abetments, Chapter V.
		1889	...	...	56	5	29	95	2	4	158	8	750	1,595	4	1	15	9	83	1,649	4,465	
PEGU.	Hanthawaddy	1888	...	...	10	11	23	16	...	..	73	7	215	806	1	...	5	5	103	406	1,681	
		1889	...	...	22	6	3	36	...	1	54	9	271	816	...	...	6	5	128	302	1,659	
	Pegu	1888	...	...	18	30	23	69	1	2	60	1	348	1,376	...	...	17	6	38	760	2,749	
		1889	...	...	16	21	7	88	2	...	76	...	381	1,707	2	1	20	3	47	880	3,251	
	Tharrawaddy	1888	1	...	19	23	6	80	2	2	59	1	305	1,379	...	...	8	3	23	787	2,697	
		1889	...	...	33	14	14	65	3	1	101	4	299	981	2	2	13	4	25	801	2,365	
	Prome	1888	...	...	47	13	12	135	1	15	339	1	749	1,856	2	...	17	10	258	1,676	5,141	
		1889	...	...	72	22	8	116	5	41	356	...	811	2,100	1	...	11	13	303	1,787	5,646	
	Total ...	1888	1	...	94	76	64	300	4	19	531	10	1,617	5,417	3	...	47	24	432	3,629	12,268	
		1889	...	...	143	63	32	308	10	43	587	13	1,762	5,604	5	3	50	25	504	3,770	12,921	
IRRAWADDY.	Henzada	1888	...	...	37	24	9	15	...	5	34	1	268	1,147	4	...	15	7	114	2,017	3,697	
		1889	...	...	34	23	12	50	1	2	53	2	302	1,307	...	...	9	4	98	1,752	3,649	
	Bassein	1888	...	...	15	26	23	38	3	3	199	2	831	1,885	1	1	40	16	285	723	4,091	
		1889	...	...	27	33	36	103	7	4	285	9	762	1,189	4	2	34	17	335	1,181	4,027	
	Thôngwa	1888	1	...	57	31	15	44	...	3	116	11	497	1,030	10	...	17	10	231	1,082	3,155	
		1889	3	...	51	33	12	43	4	1	296	2	615	960	1	...	20	12	247	893	3,133	
	Thayetmyo	1888	...	...	14	16	21	101	1	1	74	1	295	1,155	2	2	14	2	92	510	2,301	
		1889	..	...	6	13	30	125	3	...	89	...	303	790	3	...	7	11	61	463	1,904	
	Total ...	1888	1	...	123	97	68	198	4	12	423	15	1,891	5,217	17	3	86	35	722	4,332	13,244	
		1889	3	...	118	101	90	321	15	7	663	13	1,983	4,246	8	2	70	44	741	4,289	12,713	

OFFENCES UNDER THE INDIAN PENAL CODE.

Division.	Name of district.	Year.	Offence against the State, Chapter VI.	Offence against the Army and Navy, Chapter VII.	Offence against the public tranquillity, Chapter VIII.	Offence by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offence relating to coin and Government stamps, Chapter XII.	Offence relating to weights and measures, Chapter XIII.	Offence affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offence relating to religion, Chapter XV.	Offence affecting the human body, Chapter XVI.	Offence against property, Chapter XVII.	Offence relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offence relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offence under special and local laws.	Total of true offence reported	Remarks.
TENASSERIM.	Amherst	1868 1869	1 ...	... ...	8 7	5 4	13 16	16 19	1 5	... ...	32 61	3 ...	296 353	608 1,262	4 1	2 2	6 11	4 2	131 164	573 437	1,693 2,284	One case abetment, Chapter V, I.P.C.
	Shwegyin	1868 1869	1 3	... 1	47 16	6 6	15 14	37 38	3 4	... ...	110 234	2 ...	149 275	842 1,044	4 3	1 2	14 4	12 7	145 221	296 606	1,684 2,493	
	Toungoo	1868 1869	1 ...	... ...	3 2	2 3	1 5	33 30	5 ...	... ...	55 69	4 ...	252 260	1,010 691	... 1	1 3	4 1	2 4	18 25	365 323	1,751 1,413	
	Tavoy	1868 1869	2 1	1 ...	1 5	1 1	3 10	4 9	... ...	... ...	10 25	... 2	120 109	269 247	1 1	... ...	2 3	4 3	23 26	86 85	529 528	One case abetment, Chapter V, I.P.C.
	Mergui	1868 1869	... ...	1 ...	4 7	... 1	1 8	2 7	... ...	... ...	17 2	... ...	109 101	210 141	1 1	... ...	... ...	... ...	31 39	164 162	536 489	
	Salween	1868 1869	... ...	... ...	... 2	3 ...	1 ...	3 ...	... ...	... ...	... 1	... 2	14 26	20 17	... ...	... 1	4 1	5 1	12 2	12 23	74 76	
	Moulmein	1868 1869	... ...	... ...	2 3	3 2	3 3	14 18	... ...	1 ...	14 18	... ...	275 334	233 321	3 2	... ...	9 19	10 6	165 178	1,163 1,113	1,933 2,017	One case attempt to commit causing hurt, section 511.
	Total	1868 1869	5 4	1 1	65 42	20 17	37 56	109 111	4 14	2 ...	238 410	9 4	1,205 1,436	3,252 3,728	13 14	4 8	39 39	37 22	625 656	2,659 2,769	8,994 9,350	
	GRAND TOTAL	1868 1869	9 7	1 1	354 358	209 196	216 207	710 835	13 41	96 54	1,443 1,518	36 38	5,511 5,932	15,362 15,108	35 31	9 14	197 174	102 100	1,784 1,964	12,901 12,477	38,923 39,439	
	Increase	...	...	...	4	...	...	125	28	18	375	2	421	...	...	5	23	2	200	...	506	
	Decrease	...	...	...	...	17	9	...	...	...	...	...	...	195	4	...	23	...	...	424	...	

4. The annexed tables show in a collected form the principal offences against the person and against property for the two past years:—

Offences affecting the Human Body.

Offence.	Reported cases.		True cases.	
	1888.	1889.	1888.	1889.
Murder	169	186	160	180
Attempt at murder	33	26	31	25
Culpable homicide	37	26	36	26
Attempt at culpable homicide	4	2	2	2
Grievous hurt	396	467	362	457
Rape	151	166	106	114
Unnatural offences	9	10	7	6
Hurt	1,908	1,948	1,698	1,893
Criminal force and assault	3,058	2,975	2,798	2,884

Offences against Property.

Offence.	Reported cases.		True cases.	
	1888.	1889.	1888.	1889.
Dacoity (with or without murder)...	923	555	904	538
Robbery, including attempts	558	347	515	333
Housebreaking and lurking house-trespass	1,108	1,134	1,061	1,107
Other house-trespass	468	482	424	446
Criminal trespass	397	442	365	419
Cattle-theft	2,468	2,829	2,389	2,698
Other thefts and receiving stolen property	8,647	8,934	8,078	8,057

The most noticeable feature in this last table is the large decrease in the number of dacoities and robberies. The figures given below show how rapidly the country is quieting down in this respect.

Year.	Number of true cases reported.	
	Robbery.	Dacoity.
1884	194	120
1885	204	125
1886	585	2,156
1887	517	1,529
1888	515	904
1889	333	538

Out of the 538 dacoity cases in 1889 162 occurred in Thayetmyo, 70 in Bassein, and 41 in Thôngwa. Out of the 333 robberies 41 occurred in Bassein, 38 each in Tharrawaddy and Prome, and 34 in Thayetmyo. The only class of offences against property which shows any noticeable increase is cattle-theft. In last year's report I pointed out how this class of cases had been steadily increasing

since 1883, when only 936 true cases were reported. I give below the districts in which this class of crime was most prominent in the last two years.

District.	True cattle-theft cases reported in	
	1889.	1888.
Pegu	583	439
Prome	554	392
Amherst	376	301*
Tharrawaddy	206	262
Toungoo	199	224
Hanthawaddy	181	169
Shwegyin	137	172
Henzada	122	135
Thayetmyo	113	313

These figures show that the cattle-thefts have considerably increased in the districts of Pegu, Prome, and Amherst. On the other hand there has been a remarkable decrease in this class of cases in Thayetmyo, which the Deputy Commissioner does not explain or notice in his report. The Deputy Commissioner of Pegu doubts the accuracy of the figures submitted by him upon the ground that the police returns of cognizable crime are imperfect, and he is inclined to think that many cases have been returned as true which should have been struck out. The Deputy Commissioner of Prome attributes the increase in his district to the inefficiency of the police and considers that special legislation is necessary to put down this class of crime. The Deputy Commissioner of Amherst reports that cattle-theft in his district has been fairly well dealt with as regards recoveries, but that elephant-theft has been serious, the proximity of Siam and the difficulties of pursuit and recovery offering facilities for the disposal of the stolen animals.

The Criminal Courts are doing all they can to put down this class of crime. Cases rarely come before me in which the sentences are inadequate, and the necessity for dealing severely with offenders has been frequently pointed out by me to Magistrates when reviewing their monthly returns.

There has been an increase altogether of 421 true cases against the person. I do not attach much importance to the increase in simple hurt and assault cases. As the population increases and with it competition for land and labour, and also in trade, people must be expected to fall out and assert their rights in unlawful ways. But there has also been some increase in the past year in the more heinous offences against the person. The figures given below are interesting as showing how far heinous offences against the person have increased or decreased in the past six years.

Offence.	True cases reported in					
	1884.	1885.	1886.	1887.	1888.	1889.
Murder including attempts	168	150	257	203	191	205
Culpable homicide including attempts	86	87	82	44	88	28
Grievous hurt	801	810	841	854	362	457
Rape and unnatural offences	109	92	115	133	113	120
Hurt	1,720	1,618	1,165	1,524	1,698	1,893
Criminal force and assault	2,705	2,649	2,718	2,624	2,798	2,884

* The figure reported last year by the Deputy Commissioner was wrong.

It will be seen that murders increased considerably in the great year of disturbance, 1886, and, although they fell off considerably in the succeeding year, there has been no further decrease since then to the figures of 1884 and 1885. Grievous hurt cases have also increased by 50 per cent. since 1884 and 1885. The increase in this class of cases last year is very marked and is not explained in the district reports, probably because in no single district was the increase very noticeable.

But when District Officers tell me that they cannot place much reliance on their police returns (upon which the judicial returns are based) of true reported crime I am not disposed to criticise these figures too closely. I have also some reason to doubt whether in all districts, if in any, true reported crime is shown in the police returns under the section of the Penal Code under which the accused has been convicted, where there has been a conviction, and not under the section under which he has been prosecuted or sent up for trial. If any districts have erred in this respect, or have not followed a uniform system in the preparation of their returns in the past six years, the figures given above are worthless for purposes of comparison. The attention of all District Magistrates will be drawn to this matter with the view to securing uniformity in the future in the preparation of the annual returns.

The Deputy Commissioner of Thôngwa in noticing the increase in his district of violent crime, both against person and property, observes:

"It is difficult to account for this. Many years ago a Commissioner put down the increase in murders to some unhappy complication of the stars, and possibly this is as good a reason as may be given"

The Commissioner of the Irrawaddy Division, however, is inclined to attribute the general increase of crime in this district to the influx of men from Upper Burma, an influx which, he says, "is enormous and far exceeds that occurring anywhere else." The Deputy Commissioner of Thayetmyo, referring to the considerable diminution of violent crime in his district, says:

"Several dacoit gangs have been broken up and their leaders, including the notorious outlaw Po Thu Daw, captured. A large number of dacoits availed themselves of the offers of pardon on surrender and giving security to settle down to an honest life It is satisfactory to state that of the number that have thus surrendered a very few indeed have shown any disposition to turn to a life of crime again of the description in respect to which they became outlaws, and the instances are rare in which the surrendered dacoit turns to petty crime. This is satisfactory and shows that the act of clemency on the part of Government in pardoning all persons against whom murder cannot be proved and who became outlaws at the commencement of the war, and even later, has not been fraught with any danger to the peace of the country. I do not think that this clemency can be extended with such safety to persons who, under the guise of patriots, took to dacoity in later years without the semblance of any such excuse as could be pleaded by those who had been led away by the excitement of war. The dacoits of later years deserve little pity"

The Deputy Commissioner of Sandoway, referring to the increase of dacoity and robbery cases in his district, states that the increase in 1889 was entirely due to a troublesome gang of dacoits that infested the Northern township.

The Deputy Commissioner of Prome reports that, with the exception of one local gang, all the serious crime committed was the work of men from the Thayetmyo district, "who dashed across the frontier, committed dacoities, probably carefully planned in advance, and returned with a rapidity which fairly baffled the police. These tactics were especially successful in the Padaung township." The principal leader of the local gang referred to has been recently killed by his own followers. The Paungdè subdivision, which gave so much trouble in former years, was almost free from crime in the latter half of the year.

Offences against special and local laws show a decrease of true reported cases, 12,177 cases having been reported in 1889 against 12,901 cases in 1888. The principal increases and decreases are noted below.

Akyab	—423
Henzada	—265
Bassein	+458
Shwegyin	+810

These have not been specially explained in the district reports, but are doubtless due to the ordinary fluctuation of Municipal and embankment cases.

II.—ORIGINAL JURISDICTION.

5. The following table shows the work done by the different classes of Magistrates and to what extent Magistrates used their summary powers :—

Division.	Name of district.	Total cases tried by stipendiary and honorary magistrates.			Number of cases tried summarily.			Percentage of cases tried summarily to total cases tried.
		By Magistrate of district.	By other Magistrates.	Total.	By Magistrate of district.	By other Magistrates.	Total.	
Arakan.	Akyab	194	2,403	2,597	...	741	741	28·53
	Kyaukpyu	147	970	1,117	8	73	76	6·80
	Sandoway	92	285	377	6	...	6	1·59
	Northern Arakan	13	...	13	7	...	7	53·85
	Total ...	446	3,658	4,104	16	814	830	20·22
Pegu.	Hanthawaddy	242	1,104	1,346	...	33	33	2·45
	Pegu	124	1,743	1,867	7	242	249	13·34
	Tharrawaddy	216	2,031	2,247	7	...	7	·31
	Prome	167	4,404	4,571	10	878	888	19·43
	Total ...	749	9,282	10,031	24	1,153	1,177	11·73
Irra waddy.	Henzada	139	3,028	3,167	9	198	207	6·54
	Bassein	167	3,296	3,463	12	343	355	10·25
	Thôngwa	177	2,699	2,876	5	249	254	8·83
	Thayetmyo	260	1,595	1,855	20	43	63	3·39
	Total ...	743	10,618	11,361	46	833	879	7·74
Tenasserim.	Amherst	160	1,545	1,705	...	9	9	·53
	Shwegyin	108	1,444	1,552	4	321	325	20·94
	Toungoo	174	978	1,152	27	154	181	15·71
	Tavoy	72	314	386	3	16	19	4·92
	Mergui	191	297	488	87	...	87	17·83
	Salween	39	30	69	3	...	3	4 35
	Moulmein Town	337	1,647	1,984	158	1,064	1,222	61·59
	Total ...	1,081	6,255	7,336	282	1,564	1,846	25·16
	Grand Total 1889 ..	3,019	29,813	32,832	368	4,364	4,732	14·41
	In 1888 ...	2,973	28,305	31,278	105	3,880	4,075	13·03

The total number of cases disposed of by all classes of Magistrates, Stipendiary and Honorary, was 32,832 as compared with 31,278 cases disposed of in 1888. The most noticeable variation occurred in the following districts:—

Bassein	+521
Prome	+482

The increase of work done in Bassein is not explained by the Deputy Commissioner in his report, but is probably accounted for by the increase in special and local law cases already noticed in the previous paragraph. The increase in Prome is also due to an increase in Police Act and Municipal cases.

District Magistrates disposed of 3,019 cases, being a small increase on the figures of the previous year. Five hundred and eighty-one cases were disposed of by District Magistrates under their special powers as compared with 623 cases in 1888 and 587 cases in 1887. The figures showing the work done by the District Magistrates in each district call for no remark. Moulmein Town being now no longer a separate district will disappear from this table in future reports.

Magistrates other than District Magistrates disposed of 29,813 cases, being an increase of 1,508 cases on the previous year. The increase of cases disposed of by this class of Magistrates occurred chiefly in the Bassein and Prome districts.

Excluding District Magistrates' Courts the number of Magisterial Courts at the close of 1888 and 1889 is shown below.

Year.	Honorary Magistrates sitting singly.	Benches of Honorary Magistrates.	Other Magistrates excluding District Magistrates.	Total
1888 ...	8	12	143	158
1889 ...	4	14	148	166

The increase of cases therefore tried by Magistrates' Courts other than the Courts of District Magistrates was met by an increase of eight in the number of Magisterial Courts.

In last year's report I noticed that District Magistrates rarely exercised their summary powers, confining themselves to the more serious cases that cannot be summarily disposed of. The number of cases summarily disposed of last year, both by District and other Magistrates, shows a considerable increase. The percentage of cases disposed of summarily by all Magistrates to total cases disposed of has risen from 9·43 in 1887 to 13·03 in 1888 and 14·41 in the year under report.

6. The next table shows the work done by Honorary Magistrates including Benches and Special Magistrates in the past five years.

Division.	Name of district.	Persons disposed of.				
		1885.	1886.	1887.	1888.	1889
Arakan ...	Akyab	226	397	591	747	811
	Kyaukpyu	...		154	122	118
	Sandoway			...		...
	Northern Arakan	...	...	...	...	
	Total ...	226	397	745	869	929
Pegu .	Hanthawaddy	...	...	...	...	
	Pegu	...		..	14	235
	Thanawaddy				...	
	Prome	488	749	956	890	1,241
	Total .	488	749	956	904	1,476
Irrawaddy...	Henzada	1,897	189	1,558	317	217
	Bassein	640	690	695	541	748
	Thôngwa	120	102	225	109	308
	Thayetmyo	...	...	252	166	239
	Total .	2,157	981	2,730	1,133	1,512
Tenasserim	Amherst	131	191	200	182	203
	Shwegyin	..	...	8	64	234
	Toungoo	291	324	216	143	188
	Tavoy	...	...	...	4	23
	Meiguí	...	...	...	...	...
	Salween		...	...	.	..
	Moulmein Town	2,234	2,132	1,891	1,660	1,732
	Total ...	2,656	2,647	1,815	2,053	2,380
	Grand Total .	5,527	4,774	6,246	4,959	6,297
	Percentage to total disposed of by all Magistrates.	11·18	10·16	12·81	9·98	11 98

More persons were disposed of this year by Honorary Magistrates than in any previous year, though the percentage to total disposed of by all Magistrates does not quite come up to that of 1887, in which year there was an abnormally large number of embankment cases disposed of by the Honorary Magistrates of Henzada.

I have already noticed in paragraph 5 the increase in the number of Honorary Magistrates' Courts, including Benches, at the close of 1889 as compared with the close of the previous year.

7. The following table shows the results of inquiries and trials before Magistrates in each district :—

Division.	District.	Persons under trial.	Convicted, committed, or referred under sections 34, 139, 346-349, C.P.C.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions and committals (column 4) to total tried (columns 4 and 5). 1888.	1889.
Arakan.	Akyab	3,770	2,365	1,350	55	62·11	63·66
	Kyaukpyu	1,686	1,130	479	27	65 72	70·23
	Sandoway	551	333	214	4	66 83	60·88
	Northern Arakan	45	23	22	...	56·52	51·11
	Total	6,002	3,851	2,065	86	63·67	65·09
Pegu.	Hanthawaddy	2,793	1,486	1,249	58	63·99	54·33
	Pegu	3,095	1,741	1,215	139	55·43	58·90
	Tharrawaddy	3,571	2,329	1,167	75	64·52	66·62
	Prome	7,393	4,883	2,363	147	64·45	67·39
	Total	16,852	10,439	5,994	419	62·74	63·52
Irra-waddy.	Henzada	4,792	2,978	1,720	94	64·76	63·39
	Bassein	5,894	2,749	2,781	364	49·17	49·71
	Thôngwa	5,838	3,010	2,555	273	58·54	54·09
	Thayetmyo	3,059	1,932	1,059	68	63·40	64·60
	Total	19,583	10,669	8,115	799	58·25	56·80
Tenasserim.	Amherst	2,736	1,593	1,093	50	57·76	59·31
	Shwegyin	2,785	1,593	1,064	188	56·43	59·08
	Toungoo	1,866	1,216	640	10	60·96	65·52
	Tavoy	789	494	276	19	58·17	64·16
	Mergui	659	504	154	1	74·56	76·60
	Salween	122	75	39	8	73·96	65·79
	Moulmein Town	2,818	1,499	1,262	57	60·40	54·29
	Total	11,775	6,914	4,528	333	59 76	60·43
	Grand Total	54,212	31,873	20,702	1,637	60·61	60·62

The proportion of convictions for the whole province is a little over 60 per cent., or the same as last year. As in the previous year, the best results have been obtained in Mergui (76·60) and the worst results in Bassein (49·71). Kyaukpyu also shows very good results (70·23). Besides Bassein the proportion of convictions was very low in Northern Arakan (51·11), Thôngwa (54·09), and Moulmein Town (54·29). The percentage of convictions and committals to total tried in Bengal, Punjab, Assam, and the Central Provinces in 1888 is given below for purposes of comparison :—

Bengal (1888)	63·84
Punjab (1888)	48·11
Central Provinces (1888)	59·68
Assam (1888)	61·72
Burma (1889)	60·62

The proportion of convictions in special and local law cases was 74 per cent. as compared with 72 per cent. in 1888. In cases under the Penal Code the proportion was 53 per cent. as compared with 46 per cent. in 1888, which is a considerable improvement.

8. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below.

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total number of persons concerned.	
		1888.	1889.	1888.	1889.	1888.	1889.	1888.	1889.
Arakan ...	Akyab	162	108	43	20	115	86	70 99	79 63
	Kyaukpyu	126	152	33	15	86	122	68·25	80·26
	Sandoway ...	80	24	4	10	21	14	70 00	58 33
	Northern Arakan ...	...	...	...	...	...	...	...	...
	Total	318	284	80	45	222	222	69·81	78 17
Pegu ...	Hanthawaddy	172	60	25	12	146	48	84 88	80·00
	Pegu ...	218	129	86	42	127	84	58·26	65 12
	Thanrawaddy ...	235	268	74	40	153	221	65 11	82 46
	Prome ...	386	290	87	83	297	202	76·94	69 66
	Total ...	1,011	747	272	177	723	555	71·51	74·30
Irrawaddy...	Henzada ...	768	365	161	59	604	305	78 65	83·56
	Bassein ...	261	425	88	180	168	138	64 37	32 47
	Thôngwa ...	413	312	83	62	310	246	75 06	78 85
	Thayetmyo ..	74	60	12	17	40	36	54 05	60 00
	Total ...	1,516	1,162	344	318	1,122	725	74·01	62·39
Tenasserim	Amherst ...	110	78	21	9	88	60	80·00	88 06
	Shwegyin ...	72	46	16	15	56	29	77·77	63 04
	Toungoo ...	172	114	36	21	136	92	79·07	80·70
	Tavoy ..	20	13	9	...	11	13	55 00	100·
	Mergui .	11	...	7	...	4		36·36	...
	Salween ...	2	1	....	...	2	1	100·00	100·
	Moulmein ...	51	2	32	2	19	...	37 25	...
	Total ...	438	254	121	47	316	204	72·15	80 32
	Grand Total ...	3,283	2,447	817	587	2,383	1,706	72 95	69 72

There is a large decrease in the number of persons required to give security for good behaviour. The decrease is very evenly distributed throughout the province, the only districts showing an increase being Bassein, Tharrawaddy, and Kyaukpyu. The recent orders of the local Government forbidding Police Officers to send up cases without the special permission of the District Magistrate is noticed generally by the District Officers as the main cause of the falling off in this class of cases. The Deputy Commissioner of Pegu says:

"The police required a good deal of pushing to make them deal with bad characters at all when not allowed to arrest them summarily, and in some cases they made inquiries too openly and the suspected persons bolted."

No doubt the more peaceful condition of the country also accounts to some extent for the decrease of security cases. The decrease in the percentage of convictions is due to the Bassein district, where the percentage (32·17) is very unsatisfactory.

9. The number of persons committed to the Sessions and the proportion of convictions to committals is shown below.

Sessions division.	Cases committed during the year.	Persons committed during the year.	Number of persons			Percentage of convictions (column 4) to total disposed of (columns 4 and 5).	
			Convicted or referred under section 374, C. C. P.	Acquitted.	Died, escaped, transferred, or pending.	1888.	1889.
1	2	3	4	5	6	7	8
Arakan	35	62	87	28	3	62·16	56 92
Pegu	115	259	179	102	13	70 20	63·70
Irrawaddy	285	594	393	161	55	63·30	70·94
Tenasserim	49	110	87	18	17	82·70	82·86
Moulmein	15	17	5	11	1	66 66	31·25
Total 1889 ...	499	1,042	701	320	89	...	68·66
In 1888 ...	533	1,123	774	358	86	68 38	...

I noticed in last year's report the high percentage of convictions in Sessions Courts in Lower Burma as compared with other parts of India and stated what I considered was the probable cause. The percentage of convictions in 1888 in Bengal, the Punjab, Assam, and Central Provinces is given below for purposes of comparison.

	Percentage of convictions in Sessions cases.
Bengal (1888)	56 79
Punjab (1888)	63·86
Central Provinces (1888)	70·60
Assam (1888)	62·55
Burma (1889)	68·66

The Sessions Court of Tenasserim stands conspicuous, as it did in the previous year, for its high percentage of convictions. The low percentages in Moulmein and in Arakan call for no notice. Where the number of Sessions cases tried is small no inference can be drawn from high or low percentages in convictions.

There has been a decrease in Sessions cases in all Sessions Courts excepting that of the Irrawaddy division. The figures for the past three years are given below.

Sessions Court.	Number of cases committed.		
	1887.	1888.	1889.
Arakan	47	41	35
Pegu	164	186	115
Irrawaddy	173	217	285
Tenasserim	83	65	49
Moulmein	22	24	15
Total ...	489	583	499

The Sessions Judges of Irrawaddy and Pegu have for some time past been overworked, and the increase of work last year in the Irrawaddy division was such as to affect considerably the quality of the work done. The appointment of an Additional Sessions Judge at the close of the year, who took over from the end of November the Sessions work of five out of the eight districts in the two divisions above mentioned, was a great and very necessary relief to the work of the Sessions Judges of those divisions. Unfortunately the exigencies of Government have compelled the Chief Commissioner since the end of March last to suspend for a while the appointment of Additional Sessions Judge. I can only hope that the suspension will not be for very long.

10. The number of persons referred to the Sessions under sections 34 and 123, Criminal Procedure Code, and the proportion of convictions to references, is shown below.

Sessions division.	Number of cases referred during the year.	Number of persons referred.	Number of persons			Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
			Convicted.	Acquitted.	Died, transferred, or pending.	
1	2	3	4	5	6	7
Arakan	28	57	55	2	...	96·49
Pegu	88	126	124	13	...	90·51
Irrawaddy	99	137	107	16	17	86·99
Tenasserim	60	97	94	...	3	100·
Moulmein	...	...	...	...	...	...
Total 1889 ...	275	417	380	31	20	92·46
In 1888 ...	467	715	658	40	14	94·27

As pointed out last year these reference cases are shown in the appended statements as work done by Sessions Judges, whereas all the real work is done by the referring officer. I also pointed out in my report for 1888 that the number of references had been steadily increasing since 1884, but last year there was a large decrease owing, no doubt, to the decrease in the number of dacoities, new and old, tried in the year, and of serious cases generally. The Sessions Judge of Tenasserim, as in the previous year, confirmed every sentence referred to him, but his confirmations had in many cases to be reversed or modified in appeal.

11. The following table compares the sentences passed in Sessions Courts in the past two years, excluding sentences referred to Sessions Courts for confirmation :—

Class of punishment.	1888.	1889.
Death	81*	24*
Transportation for life	253	144
Transportation for a term	237	202
Rigorous imprisonment only	161	276
Simple imprisonment only	7	...
Fine only	1	2
Whipping only	4	8
Fine and whipping only	...	...
Rigorous imprisonment with fine	4	4
Rigorous imprisonment with whipping	8	2
Simple imprisonment with fine	...	1
Total ...	751	658

* Sentences confirmed by the Judicial Commissioner.

There is a marked decrease in the punishments of death and transportation for life. The number of death sentences in 1888 was, as remarked in the report of that year, abnormally large owing to the capture and conviction of many rebels and notorious dacoit leaders.

Sessions Judges should sentence more frequently to whipping than they do. The Sessions Judge of Tenasserim has not sentenced any convict to be whipped for some years past.

12. The next table shows the different classes of punishments inflicted in Magisterial Courts :—

Division	Name of district	Total number of punishments	Fine only.		Whipping only.		Fine and whipping only.		Rigorous imprisonment only.		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping, or both		Solitary confinement		Transportation for a term.	
			Number of persons	Percentage to total punished	Number of persons.	Percentage to total punished	Number of persons.	Percentage to total punished	Number of persons.	Percentage to total punished	Number of persons.	Percentage to total punished	Number of persons	Percentage to total punished	Number of persons	Percentage to total punished	Number of persons.	Percentage to total punished
Arakan ..	Akyab	2,220	1,460	65 76	162	7 30	2	·09	481	21 67	18	·81	95	4 28	2	·09	..	..
	Kyaukpyu	984	577	58 64	100	10 16	..	..	240	24 39	5	·51	60	6 10	2	·20	..	..
	Sandoway	301	122	40 53	26	8 64	..	..	99	32 89	8	2 66	45	14 95	1	·33	..	..
	Northern Arakan ..	23	4	17 38	2	8 70	..	..	16	69 57	..	..	1	4 35	..	..	..	..
	Total ..	3,528	2,163	61 30	290	8 22	2	06	836	23 70	31	·88	201	5·70	5	·14	..	..
Pegu ..	Hanthawaddy ..	1,300	852	65 54	62	4 77	..	..	359	27 62	5	·38	19	1 46	3	·23	..	..
	Pegu	1,583	1,023	64 66	77	4 87	..	..	409	25 85	8	·51	62	3 92	3	19	..	..
	Tharrawaddy ..	2,134	996	46 67	231	10 83	..	..	787	36·88	21	98	83	3 89	16	·75	..	..
	Prome	4 657	2,964	63 64	378	8 12	..	..	997	21 41	13	·28	242	5 20	63	1·35	..	..
	Total ..	9,673	5,835	60 32	748	7·73	..	..	2,552	26·38	47	·49	406	4 20	85	·88	..	..
Irrawaddy ..	Henzada	2,793	1,794	64 23	196	7 02	..	..	755	27·03	3	·11	42	1 50	3	·11	..	..
	Bassein	2,396	1,690	70 53	116	4 84	..	..	530	22 12	16	·67	44	1 84	..	..	..	..
	Thôngwa	2,742	1,887	68 82	170	6 20	..	..	562	20 50	18	·65	74	2 70	31	1·13	..	..
	Thayetmyo	1,601	826	51 59	126	7 87	..	..	525	32 79	36	2 25	83	5 19	5	·31	..	..
	Total ..	9,532	6,197	65 01	608	6 38	..	..	2,372	24·88	73	77	243	2 55	39	41	..	..
Tenasserim ..	Amherst	1,355	866	63 91	124	9 15	..	..	298	21 99	6	·44	60	4 43	1	08	..	..
	Shwegyin	1,364	862	63 20	101	7 40	..	..	304	22 29	9	·66	87	6 38	1	07	..	..
	Toungoo	1,132	784	69 26	48	4 24	..	..	267	23 59	7	·62	26	2 29	..	..	..	..
	Tavoy	420	280	66 67	28	6 67	..	..	88	20 95	9	2·14	14	3 33	1	·24	..	..
	Mergui	455	295	64 84	31	6 81	..	..	104	22 86	3	66	22	4 83	..	..	..	..
	Salween	69	8	11 59	6	8·69	..	..	19	27 54	5	7 25	31	44 93	..	..	..	..
	Moulmein	1,477	1,337	90 52	23	1 56	..	..	93	6 30	3	20	21	1·42	..	..	..	..
	Total ..	6,272	4,432	70 66	361	5 76	..	..	1,173	18 70	42	·67	261	4 16	3	05	..	..
	Grand Total ..	29,005	18,627	64 22	2,007	6 92	2	·007	6,933	23 90	193	67	1,111	3 83	132	·45	..	..

This statement, as pointed out in last year's report, has been incorrectly prepared in previous years; the figures now submitted are correct.

Sentences of fine only formed over 61 per cent. and sentences of whipping only 7 per cent. of the total number of punishments as compared with 60 per cent. and 5·30 per cent. in the previous year. There is no doubt that Magistrates are now making more use of their whipping powers than they used to; they have been constantly reminded by me of their duties in this respect when reviewing the monthly statements. In Akyab it is said that the Magistrates have religious scruples upon the subject of whipping and, referring to the manner in which sentences of whipping are actually inflicted, the Commissioner of Arakan says that in outlying stations the whippings inflicted "are a mere "farce as they have to be carried out by Burmese constables, who object to the "duty and sometimes do the whipping badly on purpose." I do not know whether there are any orders of the Chief Commissioner which direct by whom whippings are to be inflicted in outlying Courts, but these remarks of the Commissioner certainly seem to call for notice. It is useless my pressing Magistrates to exercise their whipping powers more fully if they have no proper agency for carrying out whipping sentences effectively.

Only 132 persons altogether were sentenced to solitary confinement, being ·45 per cent. of the total persons punished as compared with ·34 per cent. in the previous year. This form of imprisonment is not sufficiently resorted to by the Magistrates and their attention will be drawn to the matter.

13. The degrees of punishment inflicted in Sessions and Magisterial Courts are given below.

Degrees of punishment.	1888.		1889.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment (a)—				
Not exceeding 15 days	564	6·06	412	4·70
Not exceeding six months	4,684	50·36	4,360	49·74
Not exceeding two years	3,040	32·68	3,182	36·29
Not exceeding seven years	966	10·39	746	8·51
Exceeding seven years	47	·51	67	·76
Total ..	9,301	100·00	8,767	100·00
Whipping (b)—				
Ten stripes and under	254	15·16	807	13·66
Eleven to 20 stripes	848	53·02	1,178	52·18
Twenty-one to 30 stripes	533	31·82	763	34·16
Total ...	1,675	100·00	2,248	100·00
Fine (c)—				
Rupees 10 and under	11,156	63·18	12,898	65·89
Rupees 50 and under	5,608	31·76	5,828	29·77
Rupees 100 and under	658	3·73	604	3·08
Rupees 500 and under	222	1·26	237	1·21
Rupees 1,000 and under	13	·07	6	·03
Exceeding Rs. 1,000	...	...	4	·02
Total ...	17,657	100·00	19,576	100·00

(*a*) With or without fine or whipping. | (*b*) With or without imprisonment or fine.
(*c*) With or without imprisonment or whipping.

Out of the total number of persons sentenced in 1889 to imprisonment 90·73 per cent. received sentences of two years' imprisonment and under as compared with 89 per cent. in the two previous years. The proportion of persons sentenced to imprisonment not exceeding 15 days and to imprisonment not exceeding six months has, I find, been steadily decreasing since 1885. Similarly,

in 1884, I find that out of the total whippings inflicted over 18 per cent. were sentences of 10 stripes and under. In 1889 the percentage was 13·66. There is no doubt that the subordinate Magistrates now are less open to the charge of generally passing inadequate sentences than they were five years ago.

The proportions of the different degrees of fines call for no special remarks.

14. The next table shows how habitual offenders have been dealt with in the Criminal Courts.

Number of times previously convicted.	NUMBER OF PERSONS SENTENCED TO									
		IMPRISONMENT OTHERWISE THAN IN DEFAULT OF FINE.								
	Transportation.	Above seven years.	Seven years and under.	Two years and under.	Six months and under.	Two months and under.	Fifteen days and under.	Fine only.	Whipping only.	Total.
1	2	3	4	5	6	7	8	9	10	11
Persons previously convicted once	6	6	92	277	178	40	8	16	72	695
Persons previously convicted twice	7	2	89	96	20	3	...	...	10	227
Persons previously convicted three times.	14	2	56	17	1	1	...	...	2	93
Persons previously convicted four times.	1	1	15	4	3	...	1	...	2	27
Persons previously convicted five times.	1	...	6	1	...	...	...	...	...	8
Persons previously convicted six times.	...	...	1	...	...	...	...	...	...	1
Persons previously convicted seven times.	1	...	...	...	...	...	...	..	...	1
Persons previously convicted nine times.	...	...	...	...	...	...	...	...	...	...
Total ...	30	11	259	395	202	44	9	16	86	1,052

These figures tally very closely with those of last year as regards the number of habitual criminals who have been dealt with. I need not repeat the remarks I made last year upon this statement. Extreme sentences on habituals have not been so common in the past year as they were in the year previous. The common mistake of District Magistrates is that they think that a previous convict must invariably get a longer sentence on re-conviction than he received to the last previous conviction and without reference to the particular character of the offence for which he has been re-convicted. In my circulars of 1884 I took some pains to point out that this was a totally wrong principle to adopt in punishing previous convicts.

The Deputy Commissioner of Akyab (Major Cresswell) submits the following remarks on the subject of habituals in his district. He says:

"The number of habituals in the jail seems very large and tends to show amongst the Arakanese 'once a thief always a thief.' The more I see of the Arakanese the more hopeless their future seems to be. Between the educated class in Akyab and the rustics there seems to be a great gulf. The mass of the Arakanese are being slowly ousted by the Chittagonians and others. They do no work themselves and consequently get no profit from their broad acres, and given a bad year like 1888-89, when the paddy crops were bad, a collapse takes place. The land revenue and capitation-tax are most difficult to collect and land is sold and mortgaged freely.

"When an Arakanese loses his land he seems to become a regular loafer and helps to recruit the criminal classes."

In 1887 my predecessor issued a circular (No. 25), with the approval of the Chief Commissioner, prescribing the mode in which the previous conviction registers were to be prepared in each district. The idea was that the district record-keeper should, as cases came into the record-room, record in the previous conviction register, which was to have a thumb index in the margin, all convictions under certain specified heads of crime; and that, shortly after the close of the year, the District Magistrate should submit these registers to the Judicial Commissioner, who would see them through the press, after which printed copies of each district register, bound into one divisional register, would issue to every Court and District Superintendent of Police in the division to which the district belongs. Accordingly, during the past year the several district registers for 1888 were submitted to this Court, and it was then found, in the first place, that many of the registers had been incorrectly prepared and, secondly, that no fixed alphabetical system had been followed in the several districts. The amount of time and labour involved in getting these errors corrected has been very great, so much so that at, the close of the year under report, not half the registers of 1888 had been printed. To expedite matters I have decided to have the entries in the remaining unprinted registers of 1888, and in the registers of future years, printed just as they have been recorded by the record-keeper and, abolishing the marginal thumb index, to have an alphabetical index prepared in this office and printed for each division, which will indicate the page of the divisional register on which the name of any convict will be found. These indexes will all be prepared on a fixed alphabetical system similar to that adopted in the registration offices. By this means I hope to get all the registers of 1888 printed off by the end of May 1890 and the registers of 1889 before the close of the current year, if there is no delay on the part of the Press.

15. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainants, is shown below.

	1888.			1889.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	3,22,206	6	2	3,50,805	4	2
Realized	2,59,926	4	8	2,72,936	4	9
Remitted	6,967	13	9	6,798	8	6
Struck off	1,16,621	5	6	1,43,358	15	6
Compensation granted	27,898	5	1	29,492	6	2

In last year's report I noticed the large amount (Rs. 1,16,621) of fines struck off in 1888 as compared with previous years. In the year under review a still larger sum (Rs. 1,43,359) has been struck off. The largest amounts struck off were in the Irrawaddy division (Rs. 78,375) and in the Pegu division (Rs. 27,726). In the Bassein district alone Rs. 56,558 were struck off, and the Deputy Commissioner reports that during the year the Commissioner struck off all the outstanding fines up to 1886. This seems to require some explanation as presumably there ought to be some fines realizable of date prior to 1887. The outstanding balance of fines unrealized at the commencement of 1889 was Rs. 2,27,942 and was at the close of the year reduced to Rs. 1,55,653. The amount of fines, both imposed and realized, has been steadily increasing since 1886 as the following figures show:—

Year.	Imposed.	Realized.
	Rs.	Rs.
1884	3,20,691	1,98,685
1885	3,15,010	2,15,315
1886	2,87,028	2,05,400
1887	3,21,505	2,51,624
1888	3,22,206	2,59,926
1889	3,50,805	2,72,936

The falling off in impositions in 1885 and 1886 is of course due to the comparatively few cases of minor offences prosecuted in those years, the whole time of the police and of the people being taken up in prosecuting serious offences, and in defending themselves and their property against dacoits.

The districts which show the largest amount of fines imposed are Prome (Rs. 40,795), Thôngwa (Rs. 33,047), and Bassein (Rs. 32,182). The largest realizations have been in the same three districts and in the same order.

Fines continue to be imposed by Magistrates, including District Magistrates without proper regard to the means of the accused, and, in some cases, with no other object than to enable the Magistrate to pass an additional sentence of six months' imprisonment on the accused in default (see Circular No. 47 of 1889).

16. The next table shows the detention of witnesses in Magisterial Courts and the number of witnesses examined :—

Witnesses discharged in all Courts.	1888.		1889.		Number of witnesses examined.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1888.	1889.
First day	108,693	85·96	106,859	84·94	...	...
Second day	13,838	11·47	15,154	12·04	...	...
Third day	2,275	1·88	3,045	2·42	...	...
After third day	822	·69	750	·60	...	...
Total ...	120,628	100 00	125,808	100·00	105,810	114,478

As stated last year I have not much confidence in these figures. In many cases during my recent tours I found the witness registers improperly kept. Constant inspection of these registers by the District Officers is needed and also a comparison of the entries with the actual facts as ascertained from the records of cases. A common practice is to discharge witnesses owing to the Magistrate having no time to take up a case and to tell them to come again another day; when they are discharged they are shown in the register as discharged on the first day, when they come again they are re-entered in the register as new witnesses and, after examination, again shown as discharged on the first day. Practices of this kind are difficult to check, but when discovered severe notice should be taken of them.

17. The following table shows the average duration of cases brought to trial and disposed of by Magistrates :—

Division.	Name of district.	Total cases disposed of.	Total duration.	Average duration of all cases.	
				1888.	1889.
			Days.	Days.	Days.
Arakan	Akyab	2,597	17,000	5	7
	Kyaukpyu	1,117	8,574	8	8
	Sandoway	377	2,090	4	6
	Northern Arakan	13	212	2	16
	Total	4,104	22,876	5	6
Pegu	Hanthawaddy	1,346	13,098	8	10
	Pegu	1,867	12,812	11	7
	Tharrawaddy	2,247	15,870	7	7
	Prome	4,571	30,749	9	7
	Total	10,031	71,529	9	7
Irrawaddy	Henzada	3,167	19,052	5	6
	Bassein	3,463	36,460	9	11
	Thôngwa	2,876	19,602	5	7
	Thayetmyo	1,855	19,166	9	10
	Total	11,361	94,280	7	8
Tenasserim	Amherst	1,705	10,117	6	6
	Shwegyin	1,552	10,966	5	7
	Toungoo	1,152	5,216	5	5
	Tavoy	886	3,280	7	8
	Mergui	488	1,320	3	3
	Salween	69	615	6	9
	Moulmein	1,984	12,668	5	6
	Total	7,336	44,132	5	6
	Grand Total	32,832	232,817	7	7

The average duration of cases for the whole province remains the same as it was in 1888.

The long average duration in Northern Arakan is due to one case in which the accused, apparently an European British subject, had to leave the district on account of ill-health, his case being consequently postponed.

Hanthawaddy, Thayetmyo, and Bassein show, as they did last year, longer average durations than the majority of the other districts. I am inclined to doubt the correctness of the figures given by Kyaukpyu and Mergui.

18. The duration of cases tried by Courts of Session in the past two years, calculated from the day of commitment, is given below.

Sessions division	Number of cases tried.	Total duration.	Average duration	
			1888.	1889
Arakan	35	1,064	28	30
Pegu	126	5,891	48	48
Irrawaddy	271	11,553	54	43
Tenasserim	49	2,350	28	48
Moulmein	15	365	26	24
Total ...	496	20,723	46	42

The average duration of Sessions cases shows an improvement on last year, and this improvement would have been greater but for the Tenasserim Sessions Court, where the average duration has nearly doubled. Of this no explanation is offered in the Commissioner's report.

III.—APPELLATE JURISDICTION.

19. The number of appeal cases disposed of last year by all Appellate Courts as compared with the previous four years is shown below.

Appellate Court.	1885.	1886.	1887.	1888.	1889.
District Magistrates	810	639	618	580	558
Sessions Judges	1,809	1,413	1,752	2,305	2,425
Judicial Commissioner	372	1,174	1,009	859	763
Total ...	2,991	3,226	3,379	3,744	3,746

The appellate work of District Magistrates has been steadily decreasing since 1885 and of the Judicial Commissioner since 1886. On the other hand the appellate work of Sessions Judges has been steadily increasing since 1886. The divisions in which this increase has occurred will appear from the following figures:—

Division.	Number of appeal cases disposed of.			
	1886.	1887.	1888	1889.
Arakan	308	275	278	218
Pegu	476	546	856	1,095
Irrawaddy	332	501	720	659*
Tenasserim	272	406	434	425
Moulmein	45	24	17	28

* Including four cases tried by the Additional Sessions Judge.

The increase of Sessions appellate work last year has occurred almost entirely in the Pegu division. As pointed out in last year's report it is natural that as more officers are invested with 1st class powers there should be a transfer of appellate work from the District Magistrate to the Sessions Judge; but, unless there are fewer officers now in the lower province with 2nd and 3rd class powers than there were in 1886, it is not easy to explain the steady falling off since that year in appeals to the District Magistrate.

In the Judicial Commissioner's Court the criminal appellate work is still more than double what it was in 1885. The large number of appeals in 1886 and 1887 were explained in last year's report.

20. The results of appeals disposed of in all Appellate Courts are shown in the next table.

Division.	Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were rejected.	Appeals were dismissed.	Sentences were reduced or otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed (columns 5 and 6) to total appellants disposed of (column 4).
Arakan.	District Magistrate of Akyab ...	50	74	2	56	6	10	78·38
	District Magistrate of Kyaukpyu ...	38	68	...	36	5	27	52·94
	District Magistrate of Sandoway ...	60	68	17	27	12	12	64·71
	District Magistrate of Northern Arakan...	...	...	...	...	...	...	.....
	Sessions Judge of Arakan ...	218	243	189	18	12	23	85·18
	Total ...	366	453	208	137	35	72	76·16
Pegu.	District Magistrate of Hanthawaddy ...	20	23	9	8	2	4	73·91
	District Magistrate of Pegu ...	17	19	6	1	6	6	36·84
	District Magistrate of Tharrawaddy ...	14	16	7	5	2	2	75·00
	District Magistrate of Prome ...	40	88	36	37	11	4	82·05
	Sessions Judge of Pegu ...	1,095	1,177	640	298	85	141	79·69
	Judicial Commissioner, Lower Burma ...	763	977	549	219	124	81	78·61
	Total ...	1,949	2,300	1,247	568	230	238	78·91
Irrawaddy.	District Magistrate of Henzada ...	39	61	7	23	10	21	49·18
	District Magistrate of Bassein ...	36	40	2	20	14	4	55·00
	District Magistrate of Thôngwa ...	17	26	...	16	5	4	61·54
	District Magistrate of Thayetmyo ...	42	79	8	51	15	9	68·35
	Sessions Judge of Irrawaddy ...	659	734	535	53	71	52	80·11
	Total ...	793	940	547	163	115	90	75·53
Tenasserim.	District Magistrate of Amherst ...	34	54	...	18	8	28	33·33
	District Magistrate of Shwegyin ...	81	99	57	6	21	15	63·64
	District Magistrate of Toungoo ...	28	35	2	18	4	7	57·14
	District Magistrate of Tavoy ...	8	22	...	13	7	2	59·09
	District Magistrate of Mergui ...	4	4	...	4	...	...	100·
	District Magistrate of Salween ...	...	...	...	...	...	...	.....
	District Magistrate of Moulmein ...	30	34	10	8	3	11	52·94
	Sessions Judge of Moulmein ...	28	29	1	12	11	3	44·83
	Sessions Judge of Tenasserim ...	425	465	20	409	14	21	92·26
	Total ...	638	742	90	488	68	87	77·90
	Grand Total 1889 ...	3,746	4,435	2,092	1,356	448	487	77·75
	In 1888 ...	3,744	4,483	2,204	1,414	308	486	80·70

The percentage of appeals in all Courts rejected and dismissed after admission of appeal was 77·75 in 1889 aginst 80·70 in the previous year. In the years 1884, 1885, 1886, and 1887 the percentages were 68·34, 71·55, 73·58, and 72·68 respectively. The percentage in 1888 was abnormally high. The following statement separates all Appellate Courts into three classes and gives the percentages for each class :—

Appellate Court.	Percentage of appeals rejected and dismissed to total disposed of. 1884.	1885.	1886.	1887.	1888.	1889.
District Magistrates' Courts	58·55	58·69	62·26	60·55	63·94	62·84
Sessions Courts	71·15	75·82	77·51	80·63	84·12	82·14
Judicial Commissioner's Court	76·31	85·10	75·08	68·45	88·45	78·61

It is unnecessary to repeat what I said in my report of 1888 in explanation of the above figures. Referring to the figures of last year it will be seen that each class of Court shows a smaller proportion of appeals rejected or dismissed than in the previous years. In District Magistrates' and Sessions Courts, how-

ever, the proportion is greater than in any of the years 1884 to 1887 inclusive, and in the Judicial Commissioner's Court it exceeds that of the years 1884, 1886, and 1887.

Taking the District Magistrates' Courts, I find, omitting districts in which the figures are small, that the greatest amount of interference or, in other words, the smallest percentages of rejections and dismissals occurred in Amherst (33·33), Pegu (36·84), Henzada (49·18), Moulmein (52·94), and Kyaukpyu (52·94). In last year's report I said the Commissioners would assist me much if they would occasionally send for and examine the appeal records of the District Officers in all districts where it was shown that those officers interfered largely with the decisions of the subordinate Courts. The Commissioners' reports, however, do not show that they have taken any action on this suggestion, and it will be necessary for me to call their special attention to the matter. The percentages of appeals rejected or dismissed in Magistrates' Courts in Bengal, Assam, Central Provinces, and the Punjab is given below for purposes of comparison:—

	Per cent.
Bengal (1888)	67
Punjab (1888)	65
Central Provinces (1888)	60
Assam (1888)	61
Burma (1889)	62

In Sessions Courts there has been no excessive interference in appeal. The Sessions Judge of Tenasserim stands pre-eminent, as he did in the previous year, for the large percentage (92·26) of appeals rejected or dismissed. The average for all Sessions Courts is 82·14 as compared with 84·12 in the previous year. This may be compared as below with the percentages in some other provinces:—

	Per cent.
Bengal (1888)	68
Punjab (1888)	74
Central Provinces (1888)	78
Assam (1888)	78
Burma (1889)	82

There is no doubt that in Burma the percentage of non-interference in Sessions Courts is very high, which is due, I have no doubt, in a great measure to the fact that Advocates rarely appear in Sessions Courts on behalf of appellants.

In the Judicial Commissioner's Court, as I noticed last year, the percentages of non-interference have varied considerably from year to year. The following statement shows in which divisions there has been the largest amount of interference with the decisions of the Sessions Courts:—

Sessions Court.	Total appellants disposed of by Judicial Commissioner.	Persons whose			Percentage of appeals rejected and dismissed to total disposed of by Judicial Commissioner.
		Appeals were rejected or dismissed.	Sentences reduced or altered.	Reversed.	
Arakan	77	66	9	2	86
Pegu	281	234	30	17	83
Irrawaddy	415	322	61	32	77
Tenasserim	181	125	27	29	69
Judge of Moulmein	7	5	2	...	71
Total ...	961	752	129	80	78

This statement shows that the Tenasserim division is mainly responsible for the reduced percentage of appeals rejected and dismissed last year in my Court.

21. *References to Judicial Commissioner under Section 374, C. P. C.*

Reference by whom made.	Sentences				
	Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge of Arakan	4	3	1	...	...
Sessions Judge of Pegu	20	7	7	3	3
Sessions Judge of Irrawaddy	20	8	10	...	2
Sessions Judge of Tenasserim	28	6	17	5	...
Sessions Judge of Moulmein	...	...	...	...	...
Total 1889 ...	72	24	35	8	5
In 1888 ...	110	81	14	12	3

There has been a considerable reduction in the number of death sentences referred for confirmation as compared with the previous year and also in the number actually confirmed. Only 33 per cent. of the sentences referred were confirmed as compared with 73 per cent. in the previous year. Sessions Judges when passing sentence on the accused in murder cases fail as a rule to distinguish one class of murder from another. I have had to check these indiscriminate sentences and to point out that sentence of death should ordinarily be confined to the worst cases.

22. *References to Judicial Commissioner under Section 438, C. P. C.*

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	District Magistrate of Akyab	15	20	4	1	1	10	2	2	One proceeding quashed, one new trial.
	District Magistrate of Kyaukpyu.	1	1	1	...	...	...	...	...	
	District Magistrate of Sandoway.	6	6	2	...	...	1	3	3	
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	7	9	7	1	...	...	...	...	One proceeding quashed.
	Total ...	29	36	14	2	1	11	5	5	Two proceedings quashed, one new trial.
Pegu.	District Magistrate of Hanthawaddy.	3	3	...	...	...	...	3	3	
	District Magistrate of Pegu ...	26	43	18	1	9	13	2	2	
	District Magistrate of Tharrawaddy.	15	18	11	...	2	4	...	...	One new trial.
	District Magistrate of Prome	22	54	31	5	6	6	2	3	Three proceedings quashed.
	Sessions Judge of Pegu ...	24	30	22	...	3	4	...	.	One proceeding quashed.
	Total ...	90	148	82	6	20	27	7	8	Four proceedings quashed, one new trial.
Irrawaddy.	District Magistrate of Henzada	14	19	8	1	...	8	1	1	One new trial.
	District Magistrate of Bassein	37	78	18	1	37	19	...	...	Two proceedings quashed, one new trial.
	District Magistrate of Thôngwa	14	15	4	3	2	5	1	1	
	District Magistrate of Thayetmyo.	5	7	5	...	...	2	...	...	
	Sessions Judge of Irrawaddy	20	45	20	...	1	24	...	...	
	Total ...	90	164	55	5	40	58	2	2	Two proceedings quashed, two new trials.
Tenasserim.	District Magistrate of Amherst	4	4	...	1	...	2	...	...	One proceeding quashed.
	District Magistrate of Shwegyin.	6	15	5	...	9	1	...	...	
	District Magistrate of Toungoo	5	5	3	...	1	...	...	...	One new trial.
	District Magistrate of Tavoy	5	5	2	...	2	...	...	...	One proceeding quashed.
	District Magistrate of Mergui	1	1	1	...	...	...	...	...	
	District Magistrate of Salween	...	...	...	...	...	...	...	...	
	District Magistrate of Moulmein.	5	6	2	...	1	3	...	...	
	Sessions Judge of Moulmein	2	4	...	...	...	4	...	...	
	Sessions Judge of Tenasserim	1	3	...	...	...	3	...	...	
	Total ...	29	43	13	1	13	13	...	...	Two proceedings quashed, one new trial.
	Grand Total 1889 ...	238	391	164	14	74	109	14	15	Ten proceedings quashed, five new trials.
	In 1888 ...	284	488	153	21	53	195	28	48	Eighteen new trials.

23. *Cases called for by the Judicial Commissioner on his own motion under section 435, Criminal Procedure Code.*

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Pending: Persons.	Remarks.
Arakan.	Akyab	72	87	43	2	17	18	6	7	
	Kyaukpyu	17	78	45	1	17	15	...	...	
	Sandoway	10	10	6	1	...	2	1	1	
	Northern Arakan	...	...	..	...	...	...	...	...	
	Sessions Judge of Arakan ...	...	...	...	...	...	...	...	...	
	Total ...	99	175	94	4	34	35	7	8	
Pegu.	Hanthawaddy	37	42	22	...	7	11	2	2	
	Pegu	20	32	14	...	8	7	3	3	
	Tharrawaddy ...	121	214	133	...	53	21	7	7	
	Prome	88	111	60	...	27	18	6	6	
	Sessions Judge of Pegu ...	...	...	...	...	...	...	...	...	
	Total ...	266	399	229	...	95	57	18	18	
Irrawaddy.	Henzada	36	58	29	...	18	9	1	2	
	Bassein	130	213	118	...	24	65	6	6	
	Thongwa	53	77	52	1	16	6	2	2	
	Thayetmyo	63	102	64	...	21	8	7	8	One new trial.
	Sessions Judge of Irrawaddy ...	2	3	...	...	3	...	...	...	
	Total ...	284	453	263	1	82	88	16	18	One new trial.
Tenasserim.	Amherst	54	63	43	...	4	10	5	5	One new trial.
	Shwegyin	44	57	34	...	9	11	2	3	
	Toungoo	30	41	19	...	12	7	2	2	One proceeding quashed.
	Tavoy	13	28	20	...	4	...	2	2	One proceeding quashed, one new trial.
	Mergui	13	20	9	.	7	4	..	...	
	Salween	1	1	...	...	...	1	...	...	
	Moulmein	15	18	15	...	2	...	1	1	
	Sessions Judge of Moulmein ...	...	...	...	...	...	...	...	...	
	Sessions Judge of Tenasserim...	...	...	...	...	...	...	...	...	
	Total ...	170	228	140	...	38	33	12	13	Two new trials, two proceedings quashed.
	Grand Total 1889 ...	819	1,255	726	5	249	213	53	57	Three new trials, two proceedings quashed.
	In 1888 ...	1,482	2,649	1,376	15	221	637	252	391	Eight new trials, one proceeding quashed.

Taking the above two tables together, altogether 990 cases, involving 1,574 persons, were disposed of in revision, with the result that the sentences of 890 persons (57 per cent.) were confirmed, of 19 persons (1·21 per cent.) were enhanced, of 323 persons (20·52 per cent.) reduced, and of 322 persons (20·46) reversed, whilst 12 proceedings were quashed and eight new trials ordered. In paragraph 23 of last year's report I referred to my intention to adopt a somewhat different system in dealing with revisional cases on my own motion. Many errors are discovered by me when reviewing the monthly statements of cases tried in each district, as submitted by the District Officers, which are past remedy, or require no remedy, as, for instance, when a Magistrate sentences an accused to whipping for an offence for which he is not liable to be whipped, or passes an illegal sentence of imprisonment in default of payment of fine, the sentence not having been undergone because the fine was paid. In such cases it is not necessary to send for the record and to pass a formal order in revision. It is sufficient to point out to the Magistrate concerned through the District Officer the illegality of his order and to call for explanation if necessary. All cases of this description have been excluded from the above tables, which accounts for the apparent falling off in the number of cases brought under revision in the past year as compared with the previous year.

24. The following table shows the revision work done by Sessions Judges and Magistrates otherwise than on application for revision :—

Revising Court.	Number of cases called for and examined including those pending from last year.	Number of persons whose cases were examined in revision.	Number of cases disposed of.	Number of persons disposed of.	Number of cases pending.	Number of persons pending.
Sessions Courts	850	1,289	771	1,151	79	138
District Magistrates	2,702	4,468	2,493	4,202	209	261
Total 1889 .	3,552	5,752	3,264	5,353	288	399
In 1888 ...	3,624	5,893	3,314	5,342	310	551

There has been a decrease as compared with the preceding year of 292 cases called for and examined in revision by Sessions Courts, and an increase of 220 cases called for by District Magistrates. The following officers have given most attention to this work during the year :—

Name of officer.	Cases examined.
Commissioner—	
Mr. H. Buckle (Arakan)	311
Deputy Commissioners—	
Mr. A. L. Hough (Henzada)	334
Major C. A Cresswell (Akyab)	299
Mr. A. R. Birks (Bassein)	230
Mr. A. M. B. Irwin (Pegu)	204

IV.—MISCELLANEOUS.

25. The financial result of the rules regulating the fees chargeable for the service of processess and the remuneration of peons is shown in the following table :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges.	
				Salaries of process-serving establishment.	Contingencies, &c.
			Rs. A. P.	Rs. A. P.	Rs. A. P.
Arakan.	Akyab	2,809	2,078 8 0	1,560 0 0	513 2 0
	Kyaukpyu	967	673 8 0	456 0 0	85 14 0
	Sandoway	394	268 8 0	171 12 0	17 0 0
	Northern Arakan	2	.....	.....	.....
	Total ...	4,172	3,020 8 0	2,187 12 0	566 0 0
Pegu.	Hanthawaddy	1,494	1,135 0 0	899 0 0	14 11 0
	Pegu	2,385	1,199 0 0	1,344 0 0	.....
	Tharrawaddy	1,146	836 8 0	691 8 0	6 12 0
	Prome	3,475	2,539 0 0	1,752 0 0	.....
	Total ...	8,500	5,709 8 0	4,686 8 0	21 7 0
Irrawaddy.	Henzada	2,924	1,808 6 0	2,448 0 0	50 7 6
	Bassein	4,516	3,465 8 0	1,680 0 0	4 6 0
	Thôngwa	4,319	3,360 8 0	2,314 13 0	125 13 0
	Thayetmyo	2,188	938 12 0	660 0 0	38 7 3
	Total ...	13,947	9,573 2 0	7,102 13 0	219 1 9
Tenasserim.	Amherst	2,642	1,811 8 0	586 0 0	11 10 6
	Shwegyin	2,661	1,702 0 0	540 0 0	40 3 6
	Toungoo	1,843	871 8 0	672 0 0	.....
	Tavoy	590	405 0 0	360 0 0	.....
	Mergui	688	472 8 0	168 0 0	.....
	Salween	91	65 8 0	.....	.....
	Moulmein	2,513	2,088 8 0	1,572 0 0	52 2 0
	Total ...	10,478	7,416 8 0	3,898 0 0	104 0 0
	Grand Total 1889 ...	37,097	25,719 10 0	17,875 1 0	910 8 9
	In 1888 ...	34,956	23,967 6 0	19,529 4 0	802 12 9

The rules have been worked much more economically than in the previous year in the criminal as well as in the civil department. A still further saving may perhaps result from the amalgamation of the civil, criminal, and revenue process establishments now under consideration. Too much reliance, however, must not be placed on the figures of the above table, which are based, or ought to be based, on registers which have been prescribed for the several Criminal Courts, but which I have found very badly kept and in some Courts not kept at all.

26. *Inspection.*—In my Civil Justice Report I have given a list of the districts visited by my predecessor and myself during the past year. All the Criminal Courts at the headquarters of these districts were inspected by Mr. Meres and myself, and the results of inspection recorded in notes, copies of which have been sent to the District Officers for information and communication to the Courts concerned. The principal errors discovered by me in the course of inspection were embodied by me in Circular No. 54 of 1889, which will, I hope, prove useful to District Officers when inspecting the subordinate Courts.

27. Mr. Meres held charge from the beginning of the year to the 4th March, on which day I took over charge.

RANGOON:
The 14th May 1890.

W. E. WARD,
Judicial Commissioner, Lower Burma.

APPENDIX.

(See paragraph 2 of Report.)

From W. H. DAWSON, Esq., Registrar, Court of the Judicial Commissioner, Lower Burma, to all Deputy Commissioners; Lower Burma,—No. 224-247—39, dated the 27th March 1890.

REFERRING to the remarks made by the Judicial Commissioner in paragraph 2 of his Criminal Justice Report for 1888, I am directed to request that you will submit a report showing in detail how, and by reference to what registers, statements, and reports, whether police or judicial, you have arrived at the figures given in columns 3 and 4 of Judicial Statement No. 2 for the year 1889. If police statements, reports, or registers have been mainly relied upon, you should state whether in your district Judicial Commissioner's Circular No. 58 of 1885 has been acted up to in determining what reported cases are true and what cases are false.

2. Owing to the different ways in which reported crime is classified in the Annual Police Statement A, Parts I and II, and Judicial Statement No. 2, the Judicial Commissioner is aware that the number of reported and true cases as given *under each class of crime* in the annual police returns and in the annual judicial returns submitted to this Court cannot correspond. The Judicial Commissioner is, however, not aware of any reason why the total number of reported and also of true cases should not be the same both in the police returns submitted to the Inspector-General of Police and in the returns submitted to this Court. Should there be any such discrepancy for the past year, I am to request that you will state what the discrepancy is and explain the cause of it.

3. Reported cases are of three kinds—

(*a*) Cognizable and non-cognizable cases reported direct to the police.

(*b*) Cognizable and non-cognizable cases reported direct to the Magistrate by the complainant.

(*c*) Cases taken up by the Magistrate on his own motion [section 191, Code of Criminal Procedure, clause (*c*)].

4. *Non-cognizable cases reported to the police* are not shown as reported cases either in the police or in the judicial returns.

Cognizable cases reported direct to the police are, it is understood, reported in Police Form No. 17 and, after police enquiry, are either—

(i) sent up by the police to the Magistrate for trial as true cognizable cases; or

(ii) under the orders of the Magistrate on the police report on each case are declared as—

(*a*) false; or

(*b*) undetected, but true; or

(*c*) not to be entered (see Judicial Commissioner's Circular No. 58 of 1885).

5. *Cognizable cases reported to and sent up for trial* by the police are accounted for in Judicial Registers No. I (non-bailable cases) and No. II (bailable cases), and the number of such cases should, for the purpose both of the police and judicial returns, be ascertained by reference to those registers, care being taken that in the returns a case is not shown twice over by reason of its being entered in the registers, say, of a township office and again in the registers of the District Magistrate as, for instance, when a subordinate Court refers a case it has tried to the District Magistrate for higher punishment.

6. Of the three kinds of cognizable cases mentioned in paragraph 4 as reported to the police, *but not sent up for trial*, those which the Magistrate orders "not to be entered" are not included among the number of reported cases either in the police or in the judicial returns.

It remains then only to deal with those cognizable cases reported to the police, but not sent up for trial, which the Magistrate on the police report of each case orders to be entered as "false" or "undetected true." In regard to these the judicial registers prescribed by the Judicial Commissioner can give no information, and the Magistrate must, to enable him to prepare his Annual Judicial Statement No. 2 correctly, get his information of the number of such reported cases from the District Superintendent of Police. It is assumed that every District Superintendent of Police keeps some record in his office of police reported cases declared by the Magistrate to be "false" or "undetected true." He can, therefore, have no difficulty in giving the District Magistrate at the close of the year all information he wants under these heads for his Annual Judicial Statement No. 2.

7. Referring next to *cognizable and non-cognizable cases reported to the Magistrate direct* on complaint. These are of two kinds—

(*a*) cases in which the complaint is summarily dismissed under section 203, Code of Criminal Procedure;

(*b*) cases where the accused is brought to trial.

Cases under class (*a*) are all shown in Criminal Judicial Register No. III prescribed by the Judicial Commissioner, and cases brought to trial are all shown in Registers I and II according as they are non-bailable or bailable. Lastly, all cases taken up by a Magistrate under section 191, Code of Criminal Procedure, clause (*c*), are also accounted for in Judicial Registers I and II.

8. Such being the facts, it is difficult to see where any discrepancy can creep in between the police annual statements and Judicial Statement 2 submitted to this Court. The procedure in the preparation of both statements must or ought to be the same, both the District Magistrate and the District Superintendent being dependent on each other for a portion of the information required for those statements as shown below:

Class of reported cases.	Source of information from which number of reported cases can be ascertained.
I.—*Cases reported to police*—	
(1) Cases sent up by police for trial ..	Criminal Registers I and II.
(2) False cases	District Superintendent's office.
(3) Undetected true cases	
(4) Not to be entered	
II.—*Cases reported to Magistrate direct*—	
(5) On complaint summarily dismissed ..	Criminal Register III.
(6) On complaint brought to trial	
III.—Cases taken up by Magistrate under section 191, Code of Criminal Procedure, clause (c).	Criminal Registers I and II.

9. The above statement clearly classifies all "reported" cases and shows from what source their number can be ascertained. From the same source can be ascertained the number of reported cases that are false and the number that are true. If the District Magistrate and the District Superintendent of Police refer to the same sources of information, the total number of reported and true cases shown in the annual police and judicial returns cannot possibly differ.

10. In this connection I am to remind you that, under Circular No. 54 of 1889, column 3 of the Criminal Registers I and II must show the section of the law under which the accused was convicted, or, if the accused is not convicted, the section under which the accused was charged or prosecuted (see also footnote to column 1 of Annual Judicial Statement No. 2). That column was not intended to show, in cases where the accused was convicted, the offence for which the accused was sent up for trial by the police or which the complainant set forth in his complaint.

If this column of Registers I and II is written up in accordance with these instructions, the District Superintendent of Police can easily distinguish for the purpose of Parts I and II of Police Statement A by reference to that column the cognizable from the non-cognizable cases in those registers.

11. The number of *true reported cases* (column 4 of Judicial Statement No. 2) in each years is, as you are aware, the difference between columns 4 and 18 in Police Statement A, Part I, *plus* the total of columns 5 and 6 of Part II of the same statement. In this connection it may be observed that Part II of Police Statement A makes no reference to false reported cases falling under that part. For the purpose of the annual returns all cases reported to the Magistrate on complaint, as well as those taken up by the Magistrate, are assumed to be true, complaints dismissed under section 203, Code of Criminal Procedure, not being treated as false cases, but separately under a heading of their own (*see* the statement given in paragraph 2 of the Criminal Justice Report of this Court for 1888).

12. In submitting your special report now called for you should especially mention whether in filling up columns 2, 3, and 4 of Judicial Statement No. 2 you have obtained your figures in the manner above indicated and, if not, whether you see any difficulty in obtaining them in future in this way, so as to avoid all discrepancies in future between the annual police and judicial figures relating to reported and true crime.

PRESCRIBED STATEMENTS.

JUDICIAL STATEMENT NO. 1 (CRIMINAL).

Showing the number of Judicial divisions and the number of officers exercising Appellate or Original Jurisdiction in Lower Burma on the last day of the year 1889 with the cost of Tribunals.

Name of province		Area	Population	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts	Number of districts	Number of sub-districts	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION: Judges of Chief Court of province	Judges of other Courts superior to Chief District Courts	Judges of Chief Courts of districts	Judges of districts other than Chief Courts	Judges of other subordinate Courts	TOTAL NUMBER OF CASES DECIDED: Original: Regular	Original: Miscellaneous	Appeals: Regular	Appeals: Miscellaneous	Total receipts of the Courts	Total charges of the Courts	Remarks: Grades of Judicial Officers	Europeans	Natives
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
		sq m.														Rs. A P	Rs. A. P			
PROVINCE OF BURMA — Territory subject to the High Court.	Civil	..	..	..		.		...		.		..	.	.	.	.		Officers exercising both original and appellate jurisdiction: Judicial Commissioner ..	1	
	Criminal	87,220	3,736,771	6	20	36	2	6	20	81	173	43,401	551	3,916	3,350	3,70,151 2 5	6,50,410 3 8	Recorder	1	..
																		Sessions Judges	4	...
																		Additional Sessions Judge	1	..
	Revenue	..	...	...	...	..	.	..	.	.			..	...		..		Judge of Moulmein .	1	...
																		District Magistrates ...	20	.
Territory not subject to the High Court.	Civil	.	...	...		.	..	.	...	..	.	.	...	...	..	.	...			
	Criminal	..	..	...	...	..	..	..	.	..	..			.	.	...	...	Officers exercising original jurisdiction only: Assistant Commissioners ..	18	1
																		Extra Assistant Commissioners	7	21
	Revenue	..	...	.	.	..	.	...	..	...	..			...	.	...	..	..	Myoôks	4	92
																		Cantonment Magistrates .	3	..
																		Special Magistrates ...		1
	Total	87,220	3,736,771	6	20	36	2	6	20	81	173	43,401	551	3,916	3,350	3,70,151 2 5	6,50,410 3 8	Honorary Magistrates ...		110

JUDICIAL STATEMENT NO. 2 (CRIMINAL).

Showing the number of offences reported and of persons tried, convicted, and acquitted of each class of offence in Lower Burma for the year 1889.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year	NUMBER OF PERSONS					Remarks.
				Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial	
1	2	3	4	5	6	7	8	9	10
Offence of abetment, Chapter V	3	3	3	7	3	3	...	1	
Offences against the State, Chapter VI of the Indian Penal Code	7	7	3	33	6	15	...	12	
Offences relating to the Army and Navy, Chapter VII	1	1	...	...	..	.	...	...	
Offences against the public tranquillity, Chapter VIII	368	368	344	1,774	565	1,139	4	66	
Offences by, or relating to, public servants, Chapter IX	198	195	189	302	183	103	4	12	
Contempts of the lawful authority of public servants, Chapter X	214	214	216	434	216	196	4	18	
False evidence and offences against public justice, Chapter XI	902	864	857	1,055	497	541	11	36	
Offences relating to coin and Government stamps, Chapter XII	50	46	37	60	23	25	4	8	
Offences relating to weights and measures, Chapter XIII	54	54	50	62	13	49	...	...	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	2,070	1,968	1,930	3,244	733	2,406	47	58	
Offences relating to religion, Chapter XV	59	39	39	129	49	59	1	20	
Offences affecting the human body, Chapter XVI — Offences affecting life	318	307	91	269	102	112	7	48	
Offences affecting the human body, Chapter XVI — Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	11	11	4	9	7	1	...	1	
Offences affecting the human body, Chapter XVI — Hurt	2,685	2,603	2,330	3,640	2,016	1,446	27	151	
Offences affecting the human body, Chapter XVI — Wrongful restraint and wrongful confinement	182	164	133	250	149	86	2	13	
Offences affecting the human body, Chapter XVI — Criminal force and assault	3,727	3,478	3,459	5,587	3,510	1,884	62	131	
Offences affecting the human body, Chapter XVI — Kidnapping, forcible abduction, slavery, and forced labour	147	118	90	148	90	53	...	5	
Offences affecting the human body, Chapter XVI — Rape	168	125	86	100	64	34	...	2	
Offences affecting the human body, Chapter XVI — Unnatural offence	13	9	14	15	7	8	...	..	
Offences against property, Chapter XVII — Theft	12,167	11,093	7,490	9,383	3,548	5,632	43	160	
Offences against property, Chapter XVII — Extortion	105	103	105	183	94	68	3	18	
Offences against property, Chapter XVII — Robbery and dacoity	925	876	315	1,540	714	798	30	98	
Offences against property, Chapter XVII — Criminal misappropriation of property	224	220	213	344	160	159	2	23	
Offences against property, Chapter XVII — Criminal breach of trust	421	385	342	421	221	177	10	13	
Offences against property, Chapter XVII — Receiving of stolen property	449	436	368	620	231	383	...	6	
Offences against property, Chapter XVII — Cheating	290	273	251	311	193	104	4	10	
Offences against property, Chapter XVII — Fraudulent deeds and disposition of property	16	15	14	20	13	5	...	2	
Offences against property, Chapter XVII — Mischief	789	742	692	1,038	676	310	9	43	
Offences against property, Chapter XVII — Criminal trespass	2,225	2,127	1,754	2,285	1,321	865	11	68	
Offences relating to documents and to trade or property-marks, Chapter XVIII	38	38	36	47	28	16	...	3	
Criminal breach of contracts of service, Chapter XIX	16	16	17	30	18	12	...	..	
Offences relating to marriage, Chapter XX	240	202	194	231	197	24	3	7	
Defamation, Chapter XXI	125	117	126	180	125	45	2	8	
Criminal intimidation, insult, and annoyance, Chapter XXII	2,428	2,180	2,155	2,874	1,925	884	7	58	
Attempt to commit hurt, Chapter XXIII	1	1	1	1	..	1	...	.	
Offences under special and local laws	20,157	19,911	19,449	31,939	8,525	22,812	120	482	
Total	51,773	49,309	43,402	68,695	26,222	40,475	417	1,581	

JUDICIAL STATEMENT No. 2A (CRIMINAL).

Showing the general result of the trial of European British subjects in Lower Burma for the year 1889.

Description of offence.	Number of persons accused and brought before a Magistrate. Remaining at the close of the previous year.	Within the year. On complaint, section 191 (a), Criminal Procedure Code.	On police report, section 191 (b) of the Code	By Magistrate *suo motu*, section 191 (c) of the Code.	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of — By District Magistrates and other 1st class Magistrates. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed. To Court of Sessions.	To High Court.	Transferred by order under section 451B of the Code.	Total, omitting entries in columns 10 and 15.	By Courts of Sessions. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	By High Court. Convicted.	Acquitted.	Total.	Total for all Courts. Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Number of cases. Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 456 of the Code.	Of those entered in column 5, number who applied under section 3, Act III of 1864, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Offences against the State, Chapter VI of the Indian Penal Code																																	
Offences relating to the Army and Navy, Chapter VII																																	
Offences against the public tranquillity, Chapter VIII																																	
Offences by, or relating to, public servants, Chapter IX																																	
Contempts of the lawful authority of public servants, Chapter X																																	
False evidence and offences against public justice, Chapter XI																																	
Offences relating to coin and Government stamps, Chapter XII		1				1		1		1					1									1		1		1	1				
Offences relating to weights and measures, Chapter XIII																																	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV																																	
Offences relating to religion, Chapter XV			1			1		1			1				1									1		1		1	1				
Offences affecting the human body, Chapter XVI. — Offences affecting life						1		1			1				1									1		1		1	1				
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births		11	2			13		13		3	10				13								3	10	13		11	11				
Hurt																																	
Wrongful restraint and wrongful confinement																																	
Criminal force and assault		18				18		18		7	11				18									7	11	18		13	18				
Kidnapping, forcible abduction, slavery, and forced labour																																	
Rape																																	
Unnatural offence																																	
Offences against property, Chapter XVII. — Theft		8				8		8		4	4				8									4	4	8		7	7				
Extortion																																	
Robbery and dacoity																																	
Criminal misappropriation of property																																	
Criminal breach of trust		1				1		1			1				1									1	1	1		1	1				
Receiving of stolen property																																	
Cheating		1				1		1		1					1									1		1		1	1				
Fraudulent deeds and disposition of property																																	
Mischief																																	
Criminal trespass		3				3		3			3				3									3	3	3		1	1				
Offences relating to documents and to trade or property-marks, Chapter XVIII																																	
Criminal breach of contracts of service, Chapter XIX		3				3		3			2				2									2	2	1	1	2	1	1			
Offences relating to marriage, Chapter XX																																	
Defamation, Chapter XXI																																	
Criminal intimidation, insult, and annoyance, Chapter XXII		8				8		8		5	3				8									5	3	8		8	8				
Offences under special and local laws	4	8	270			282		282		234	48				282									234	48	282		227	227				
Total	4	62	273			339		339		255	83				338									255	83	338	1	273	272	1			

Subsidiary table.

35 — Of the total number of persons shown in Column 16. Number who claimed to be tried by a mixed jury, section 451A (1) of the Code.	Number who did not so claim.	Number of those in column 35 (1) whose cases were transferred under section 451 B of the Code.	Column 21. Number who claimed a mixed number of assessors, section 451 (2) of the Code.	Number who did not so claim.	Columns 21 and 24. Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	36 — Of cases shown in column 30. Disposed of by Magistrates. Being European British subjects.	Other than European British subjects.	Disposed of by Sessions Judges. Being European British subjects.	Other than European British subjects.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
...	338	...	...	...	...	...	272	...	...	...

JUDICIAL STATEMENT NO. 3 (CRIMINAL).

Showing miscellaneous proceedings under the Criminal Procedure Code in Lower Burma for the year 1889.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	34	40	21	19	
2.—Proceedings against witnesses under Chapter VI	7	9	5	4	
3.—Forfeiture of bail or recognizance under Chapters XXXIX and XLII	158	285	91	192	Pending two.
4.—Non-attendance of jurors or assessors, Chapter XXIII, section 332	11	16	5	11	
5.—Contempts of Court under Chapter XXXV	1	1	...	1	
6.—Proceedings under Chapter VIII to prevent breach of the peace	49	85	37	48	
7.—Security for good behaviour under Chapter VIII	2,458	2,511	606	1,748	Pending 139, referred 13, escaped five.
8.—Proceedings against local nuisances, Chapters X and XI	11	15	8	7	
9.—Possession, Chapters XII and XLIII	7	9	4	4	Pending one.
10.—Maintenance, Chapter XXXVI	322	339	156	155	Pending eight, referred one.
Total ...	3,058	3,291	933	2,180	Pending 150, referred 14, escaped five.

JUDICIAL STATEMENT NO. 4 (CRIMINAL).

Showing the general result of criminal trials in the tribunals of various classes in Lower Burma for the year 1889.

Class of tribunal.	Total number of persons under trial.	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted		Committed or referred.					
				On regular trial.	On summary trial						
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates ... Special Magistrates under section 14 ..	486	9	103	378	...	4	...	320	3	973	
Subordinate Magistrates ... Honorary Magistrates sitting singly	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates ... Stipendiary Magistrates sitting singly ..	49,851	395	19,690	22,733	8,969	1,762	1,302	29,696	6	100,253	
Subordinate Magistrates ... Honorary Magistrates	14,850	1	4,675	234	9,807	...	73	9,501	3	11,859	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	1,636	...	514	802	244	237	39	1,291	5	...	
Chief Magistrates of Districts	2,789	13	922	1,057	231	501	65	1,730	14	10,993	
Courts of Sessions	1,517	6	381	1,052	...	75	103	807	32	5,253	
Superior Courts	75	...	10	60	...	...	5	47	20	13	
Total	71,504	417	26,294	26,316	14,311	2,579	1,587	43,401	6	129,844	

JUDICIAL STATEMENT NO. 5 (CRIMINAL).

Showing the punishments inflicted by the various Criminal Tribunals in Lower Burma for the year 1889.

Class of tribunal.	Persons sentenced to: Death.	Transportation	Penal servitude.	Imprisonment: Rigorous.	Imprisonment: Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment. Fine: Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Imprisonment: Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Whipped: Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers	...	...	...	40	3	...	357	11	...	...	216	121	16	4	...	...	7,396 5 0	5,892 4 0	311 10 0	10	28	5	...	...	4	7	...	...
Subordinate Magistrates. Special Magistrates under section 14.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	...	...	...	6,229	141	...	17,476	2,270	1,556	1,019	10,587	5,789	600	195	5	...	3,18,196 7 2	2,60,344 8 6	25,432 1 1	462	4,262	2,606	59	...	291	1,226	751	14
Subordinate Magistrates. Honorary Magistrates.	...	...	...	123	10	...	10,170	68	3	3	9,794	362	14	...	...	...	34,743 4 6	32,043 10 0	2,302 10 6	23	113	...	...	...	10	36	12	....
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	483	15	...	204	197	...	...	91	67	24	20	...	2	22,875 11 0	8,998 11 1	542 3 3	13	135	311	89	...	27	90	80	1
Chief Magistrates of Districts	...	...	1	662	52	...	370	111	224	171	187	124	22	35	1	1	17,724 12 0	13,441 13 5	2,379 1 2	30	236	358	261	...	12	35	64	4
Courts of Sessions ...	4	483	...	551	1	...	46	10	13	10	1	17	5	22	...	1	8,553 8 0	419 11 0	.....	...	37	37	416	72	...	1	9	3
Superior Courts	24	34	...	2	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	2	...	...	...	...	...	...
Total ...	28	517	1	8,090	222	...	28,623	2,657	1,796	1,203	21,176	6,480	681	276	6	4	4,09,479 15 8	3,21,140 10 0	30,967 10 2	538	4,811	3,319	775	72	344	1,397	916	22

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Showing the whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments in Lower Burma for the year 1889.

Offences for which awarded.	Number of stripes awarded.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI of 1864)—														
1—Theft, as defined in — section 378, I P C	3	...	74	4	193	15	195	10	84	6	115	9	707	
1—Theft, as defined in — section 379, do.	6	..	71	.	106	1	83	1	17	...	69	4	351	
1—Theft, as defined in — section 380, do.	13	2	103	14	251	30	278	29	124	10	155	12	1,027	
1—Theft, as defined in — section 381, do.	...	..	3	...	15		8	.	8	...	8	...	42	
1—Theft, as defined in — section 382, do.	...	...	1	...	...	...	...	.			1	...	2	
2.—Extortion, as defined in — section 388, do.	...	...	1	...	...	...	...	...	...	...	2	...	3	
2.—Extortion, as defined in — section 389, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
3.—Dishonestly receiving stolen property, as defined in — section 411, do.	1	...	11	1	17	2	14	4	6	...	11	2	69	
3.—Dishonestly receiving stolen property, as defined in — section 412, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
4.—Lurking house-trespass, as defined in — section 443, do	...	...	...	...	...	...	...	...	..	...	...	...	...	
5.—Lurking house-trespass by night, as defined in — section 444, do.	...	...	...	...	1	...	...	...	3	...	...	...	4	
6.—House-breaking, as defined in — section 445, do.	...	...	...	...	1	...	1	...	1	...	1	...	4	
7.—House-breaking by night, as defined in — section 446, do.	...	...	...	1	...	...	...	...	...	...	1	...	2	
8.—Offences under — section 457, do	...	.	2	...	2	...	2	...	...	...	...	...	6	
8.—Offences under — section 14, Act III, 1880	...	...	...	...	1	...	...	2	...	...	...	1	4	
9.—Affecting human body. — section 323, I P.C.	...	...	2	...	1	...	...	...	...	...	...	...	3	
9.—Affecting human body. — section 354, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
10.—Dacoity, ... — section 395, do.	...	..	...	...	...	...	...	...	..	...	1	...	1	
11.—Criminal breach of trust. — section, 406, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
12.—House-trespass — section 451, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Total ...	23	2	273	20	590	48	582	46	243	16	357	28	2,228	

PART II.

Showing the whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1889.

Offences for which awarded.	Number of stripes.						Total.	Remarks.
	5 and under.	6 to 10	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1	2	3	4	5	6	7	8	9
In addition to other punishments (sections 3 and 4)—								
A.—Section 3								
1.—Theft, as defined in — section 378, I P C.	...	.	3	27	2	70	102	
1.—Theft, as defined in — section 379, do.	...	.	2	5	1	15	23	
1.—Theft, as defined in — section 380, do.	...	6	9	37	20	93	165	
1.—Theft, as defined in — sections 75 and 380, do.	...	.	.	.	1	.	1	
1.—Theft, as defined in — section 381, do.	...	...	.	5	1	29	35	
2.—Extortion, as defined in — section 388, do.	...	...	...	...	...	...	...	
2.—Extortion, as defined in — section 389, do.	...	..	...		...	...	...	
Carried over ...	...	6	14	74	25	207	326	

PART II—concluded.

Showing the whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1889—concluded.

Offences for which awarded.			Number of stripes.						Total.	Remarks.
			5 and under	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1			2	3	4	5	6	7	8	9
	Brought forward	...	...	6	14	74	25	207	326	
Criminal breach of trust	section 408, I. P. C.	...	...	...	...	...	...	...	...	
3.—Dishonestly receiving stolen property, as defined in	section 411, do.	...	...	1	...	...	4	5	10	
	section 412, do.	...	...	...	...	...	...	1	1	
4.—Lurking house-trespass, as defined in	section 443, do.	...	...	...	...	...	...	...	...	
5.—Lurking house-trespass by night, as defined in	section 444, do.	...	...	...	...	...	.	...	...	
6.—Housebreaking, as defined in ...	section 445, do.	...	...	...	...	...	...	1	1	
7.—Housebreaking by night, as defined in	section 446, do.	...	...	...	...	...	1	...	1	
8.—Offence under	section 14, Act III, 1880	...	...	...	..	...	1	...	1	
House-trespass by night in order to commit theft	section 456 ...	...	...	...	...	...	...	...	...	
B.—Section 4.										
1.—False evidence, as defined in ...	section 193, I. P. C.	...	...	...	...	...	...	..	...	
	section 194, do.	...	...	...	...	...	...	...	...	
	section 195, do.	...	...	...	...	...	...	...	...	
2.—False charge of unnatural offence, as defined in	section 211, do., and section 377, do.	...	...	...	...	...	...	...	...	
3.—Assault, as defined in	section 354, do.	...	...	...	...	...	...	...	...	
4.—Rape, as defined in	section 375, do.	...	...	...	...	...	...	...	...	
5.—Unnatural offence, as defined in ...	section 377, do.	...	...	...	...	...	...	...	...	
6.—Robbery, as defined in	section 390, do.	...	...	...	...	...	...	...	...	
7.—Dacoity, as defined in	section 391, do.	...	..	...	...	...	...	1	1	
8.—Attempt at robbery, as defined in ...	section 393, do.	...	...	...	...	...	...	...	...	
9.—Hurt in committing robbery, as defined in	section 394, do.	...	...	...	...	...	...	4	4	
10.—Receiving stolen property, as defined in	section 413, do.	...	...	...	...	...	...	..	...	
11.—Forgery, as defined in	section 463, do.	...	...	...	...	...	...	...	...	
	section 466 do.	...	...	...	...	...	...	...	...	
	section 467, do.	...	...	..	...	...	...	...	...	
	section 468, do.	...	...	...	...	...	..	...	...	
	section 469, do.	...	...	...	...	...	..	...	...	
12.—Lurking house-trespass, as defined in	section 443, do.	..	...	..	...	...	...	...	...	
13.—Lurking house-trespass by night, as defined in	section 445, do.	...	...	...	...	..	..	3	3	
14.—Housebreaking as defined in ...	section 446, do.	..	...	...	...	...	...	2	2	
15.—Housebreaking by night, as defined in	section 447, do.	...	...	..	...	...	...	1	1	
	Total	...	...	7	14	74	31	225	351	

PART III.

Showing the whippings inflicted under section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II in Lower Burma for the year 1889.

Offence	Stripes. 5 and under		6 to 10.		11 to 15.		16 to 20.		21 to 25		26 to 30.		Total	Remarks.
	First conviction	Subsequent conviction.	First conviction.	Subsequent conviction	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10.	11	12	13	14	15
Section 149, I. P C.	.	...	1	...	...	...		...	...	...	...	...	1	
Do 183, do.	...	..	...	...	.	...	1	...	..	..	...	...	1	
Do 215, do.	...	...	...	...	...	..	...	1	...	...	...	...	1	
Do 323, do.	...	...	1	...	1		...	...	...	...	...	..	2	
Do. 324, do.	1	..	1	1	3	1	...	...	...	...	...	...	7	
Do 325, do. ...	...	...	...	...	...	...	1	.	...	...	...	...	1	
Do . 352, do.	...	...	..	...			1	..	..	...	...	...	1	
Do 354, do. and ... Do 5, Act VI of 1864 ...	...	...	...	...	...	...	2	..	..	...	...	...	2	
Do 377, I. P C.	...	...	...	...	..	...	...	...	.	..	1	...	1	
Do 379, &c, do.	2	.	6	.	10	..	4	...	3	...	2	...	27	
Do. 429, do.	..	...	...	...	1		..	...	.	...	...	...	1	
Do. 436, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 426, do.	1	...	..	...	...	...	...	...	...	...	...	...	1	
Do 451, do.	...	...	...	...	1	...	...	...	...	..	...	...	1	
Do. 457, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 458, do.	...	..	...	...	...	...	...	...	...	...	1	...	1	
Excise Act	...	...	1	...	...	...	...	...	...	...	...	...	1	
Section 326, I P C.	...	...	...	...	...	...	1	...	...	...	3	...	4	
Do 338, do.	...	...	...	...	...	...	1		...	...	...	...	1	
Do 363, do.	...	...	...	1	...	...	...	...	...	...	1	...	2	
Do 380, do.	1	...	1	...	3	..	3	...	...	...	1	...	9	
Do. 392, do.	...	...	...	...	...	...	...	...	...	...	2	...	2	
Do. 393, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do 402, do, ...	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do 414, do	...	...	...	...	...	...	1	...	...	...	...	..	1	
Do 454, do	...	...	..	...	1	...	...	...	...	...	...	...	1	
Do. 456, do	...	...	1	...	2	..	2	...	...	...	...	.	5	
Total ..	5	.	12	2	23	1	18	1	3	...	13	...	78	

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments in Lower Burma for the year 1889.

Punishments	Number	Remarks
1	2	3
Total number of whippings awarded	2,657	
Total number of other punishments	37,970	
Total ...	40,627	
Percentage of whippings ...	6·54	

JUDICIAL STATEMENT NO. 6 (CRIMINAL).

Showing the result of appeal and revision in Criminal Cases in Lower Burma for the year 1889.

Class of tribunal	NUMBER OF PERSONS											Average number of days during which each appeal lasted	Remarks
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province	Appeals or applications rejected	Sentence or order confirmed	Sentence enhanced.	Sentence reduced or otherwise altered	Sentence reversed.	Proceedings quashed	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial		
1	2	3	4	5	6	7	8	9	10	11.	12	13	14
Appeals to—													
Chief Magistrates of Districts	685	1	164	348	...	132	166	1	7	...	16	8	
Courts of Sessions	2,934	...	1,507	822	...	207	250	12	23	1	107	13	
Superior Courts ... { by persons convicted	1,030	..	549	219	...	134	81	.	4	...	53	24	
Superior Courts ... { by Government from judgments of acquittal	4*	...	..	...	.	..	...	...	2	...	...	15	* Two persons under each acquittal set aside and convicted under clause (*f*), section 19, of Act XI of 1878, and fined Rs 10 each
Total ..	4,603	1	2,220	1,389	.	463	497	13	41	1	176	14	
Revision by—													
Chief Magistrates of Districts	4,463	.	496	3,413	...	2	4	3	55	229	261	14	
Courts of Sessions	1,359	.	573	537		14	21	...	24	62	138	22	
Superior Courts	1,648	..	88	864	19	323	322	12	8		72	50	
Total .	7,470	...	1,107	4,804	19	339	347	15	87	231	471	24	
GRAND TOTAL ..	12,273	1	3,327	6,193	19	802	844	28	128	232	647	19	

JUDICIAL STATEMENT NO 13 (CRIMINAL).

Showing use of Jurors and Assessors in the Criminal Courts in Lower Burma for the year 1889.

Classes of Courts in which jurors or assessors are employed distinguishing Criminal from Civil Courts		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of cases tried by jury	Number of cases tried with assessors.	Cases in which the Judge approved of the verdict	JURY TRIALS: Cases in which the Judge did not approve of the verdict — Wholly	JURY TRIALS: Cases in which the Judge did not approve of the verdict — Partially	JURY TRIALS: Number of persons of the verdict in respect to whom the Judge disapproved — Whose cases he referred under section 307, C P Code	JURY TRIALS: Number of persons of the verdict in respect to whom the Judge disapproved — Whose cases he did not refer under section 307, C P Code	Number of cases in which Judge agreed with assessors	ASSESSORS' TRIALS: Number of cases in which Judge differed from — One assessor.	ASSESSORS' TRIALS: Number of cases in which Judge differed from — Both assessors.	Remarks
1		2	3	4	5	6	6	7	8	9	11	12	13
I—Civil Courts													
Chief Court of district (or officer specially empowered) acting under Act X of 1870	Assessors	..	..	..	...	..	...	...	...	...	..	...	
II—Criminal Courts													
Magistrates' Courts under Chapter X, C P Code.	Jurors	..	..	...	...	...	..	..	.		...	..	
Court of Sessions	Jurors	5	49		46	3	..	5	2		...	.	
	Assessors	2	..	475		...	..	...		290	57	128	
High Court, Original Criminal Jurisdiction	Jurors	9	2	.	2	..	...	...	..	.	.	.	
Total		.	51	475	48	3	..	5	2	290	57	128	